

ASK CASH FOR VOTES

Coerper Tells of Solicitations of Money.

THE Grand Jury yesterday undoubtedly heard testimony bearing directly upon the solicitation of bribes by members of the Legislature. During the afternoon session of the Grand Jury J. L. Coerper was called as a witness. Mr. Coerper is the client of Mr. Lorrin A. Thurston, whose refusal to divulge the statements made to him in his professional capacity brought down upon him the wrath of the First Circuit Court.

The business in connection with which the bribes were asked is the Kona-Kau Railroad, of which Mr. Coerper is the projector. While his testimony is not known, the following affidavit indicates that it might well be sensational, as without doubt Mr. Coerper would give the names of the legislators:

COERPER TELLS HIS STORY.

Honolulu, Oahu, Territory of Hawaii, ss. Jacob Coerper, being first duly sworn, on oath deposes and says:

Having ascertained that the matters hereunder stated have become subjects of inquiry by the Grand Jury and that my attorney, Mr. Thurston, has had his personal liberty put into jeopardy by preserving the confidence I reposed in him as my attorney, I feel that it is my duty to now make the following disclosures:

During the late session of the Legislature I secured the introduction into the Senate of a bill granting to Jacob Coerper and his associates and assigns a franchise to build a railroad through Kona and Kau, on the island of Hawaii. The bill passed the Senate and in due course was sent to the House of Representatives.

Shortly after the bill was sent to the House of Representatives I called upon six or seven members of the House to explain the objects of the bill. My interview with each member was separate from the others. One of the Representatives that I saw said to me, "What is there in it?" I said, "Well, what do you expect?" He replied, "It ought to be worth to you \$1,000." I understood by this that he meant that I should pay him \$1,000. I replied, "No; I will not pay anything." He thereupon walked off and nothing more was said.

Another member of the House to whom I spoke, used almost the same words when I spoke to him, asking me what there was in it for him, and I replied, "There is nothing in it for you," and nothing more was said.

DO NOT HAVE CASH.

A third member of the House to whom I spoke said to me, "If you want me to vote for this bill it ought to be worth at least a thousand dollars to you." I said, "I haven't got the money." He then said, "Unless you pay me the thousand dollars your bill will not go through." I said, "Well, then, I can't help it," and I left him.

This action of the Representatives discouraged me so that I felt that it was probably an impossibility to get my bill through the House. I accordingly consulted Mr. L. A. Thurston, who has been my attorney for many years, stating to him what had happened and the demands that were made upon me by the members of the House of Representatives. I stated to him practically what I have above stated and also some additional matters in connection with the same question. I asked his advice as to whether it would be possible for me to proceed in any other way than by a franchise from the Legislature. He said that he thought it would be legal if I could secure private rights of way for my railroad without a franchise from the Legislature, as the principal object of the franchise was to give the power to condemn rights of way which could not be obtained by private agreement.

I had several interviews with Mr. Thurston upon this subject and finally decided to adopt this method and at my request Mr. Thurston drew up for me forms of agreement for securing rights of way for a railroad through Kona and Kau.

SHOULD BE MADE PUBLIC.

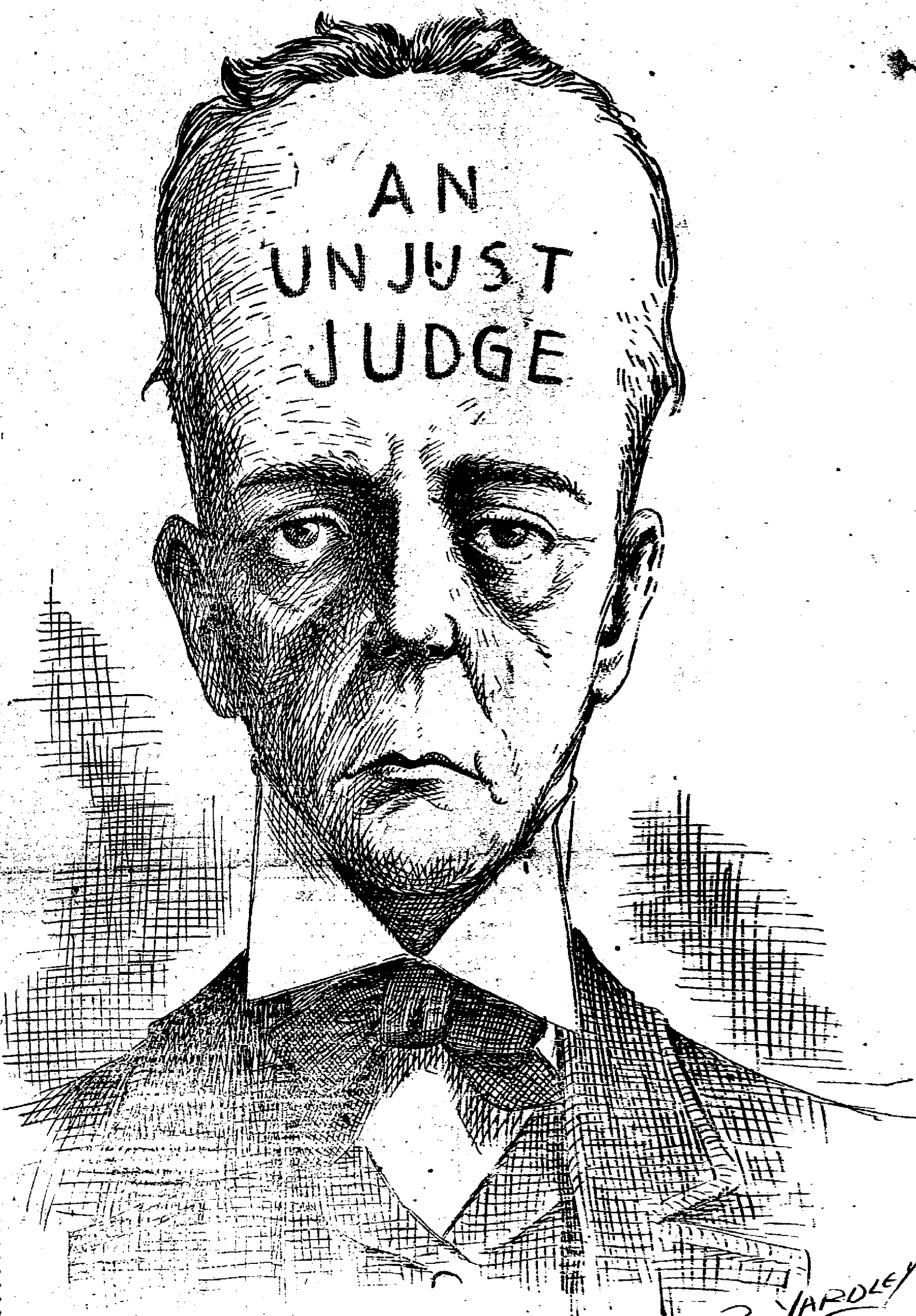
When I first told Mr. Thurston of the actions of the Representatives above referred to, he asked my permission to make the matter public. I said I should be very glad to make it public, but as certain members of the Legislature have influence here, they have it in their power to prevent me getting a right of way, and as I have already spent a large amount of money in having surveys of the line of railroad made and am not a rich man, they are in a position to ruin me as they will not let me have a franchise from the Legislature without paying for it and can prevent my getting private rights of way if I offend them; that if I found that I could not get my rights of way, or if I secured them so that they could not injure me, I would be very glad to make the matter public, for I felt that it was an outrage.

I accordingly made my preparations to go to Kona to secure the said rights of way and left here on the *Magna Loea*, May 16th last.

On the morning that I went away Mr. Thurston again asked me if I didn't think it possible to make public the demands which had been made upon me by the members of the Legislature, as he thought that it was fair to the public and Governor Dole that any evidence bearing on this point should be given. I think he stated that he wanted it to go to the Grand Jury.

I again stated to him that my financial interests were so great in the matter that I did not feel that at the present time I could afford to offend the persons who had made the propositions to me and who had influence in Kona, but I

BRANDED.



QUESTION OF VERACITY.

When this affidavit was made public Mr. Lorrin A. Thurston sent to the editor of the Star the following communication:

Editor Star: In Judge Humphreys' decision, last week, adjudging me guilty of contempt of court in refusing to disclose to the Grand Jury the name of my client, he went outside of the record, there being no suggestion of lack of bona fides on my part on the record, to intimate that I represented "some mysterious, unseen and occult client," and that my refusal to give his name "is the merest pretense for an evasion of the duty and liability of a witness and the duty and liability of an officer of the court to obey its process."

I was not in a position to refute these gratuitous defamatory and malicious charges except with the permission of my client, Mr. Jacob Coerper. He went to Kona before I was summoned before the Grand Jury and consequently knew nothing of what had taken place. I accordingly caused a wireless telegram to be sent to him last week asking him to come to Honolulu. He came on the *Kinau* last Saturday and through you makes a statement today of his knowledge concerning the matter.

I do not consider it necessary to maintain my reputation for veracity in this community to prove that Judge Humphreys' wanton charges are untrue, but simply refer to Mr. Coerper's statement

as part of the record in this matter.

LORRIN A. THURSTON.

During the afternoon session, upon the calling of Mr. Coerper, Mr. Gear came to the door of the jury chamber and advised Representative Robertson and A. P. Taylor, who were in waiting as witnesses, that the jury was following up an important matter, and consequently excused them until this morning.

Other witnesses examined yesterday were A. W. Pearson, Mr. Seyde and Mabel Herrick.

It was insistently rumored on the streets and in the corridors of the Executive building yesterday that Turk and Lewis are endeavoring to obtain a hearing from the Grand Jury, with a view to the indictment of Mr. A. W. Pearson for perjury. The rumor was cloistered with Judge Humphreys yesterday morning, presumably upon the same matter, and were, last in hand, hanging around the Grand Jury quarters during the afternoon.

ESTEE FOR GOVERNOR.

It is reported from San Francisco that Judge George Oear is at work in the interests of M. H. Estee for Governor of Hawaii.

Glass Again.

SAN FRANCISCO, May 21.—A motion for a new trial for Robert E. Glass, recently convicted on a charge of murder in the first degree for the killing of William Trevellick in the Windsor Hotel last January, was argued before Judge Dumas yesterday. On behalf of the defendant it is urged that the court erred in making certain instructions to the jury and refusing to give others, and that error was committed when the court sustained the District Attorney in his refusal to produce an alleged statement made by one of the witnesses in the case. Judge Dumas took the motion under advisement.

New Bonds Offered.

NEW YORK, May 21.—An application of the Union Pacific Railway to the Stock Exchange has been posted at the Exchange to list \$2,000,000 first mortgage collateral trust convertible 4 percent bonds. This is the total amount of these bonds authorized by the company, including the \$5,000,000 already sold to finance the Southern Pacific purchase. The application as posted does not name the collateral for the bonds or the purpose of the \$2,000,000 bonds which have not yet been issued, and which has been rumored were intended to finance the purchase of the Northern Pacific stock.

OHIO IS LAUNCHED

Battleship Slips Into Waters of Bay.

ONE more flag floats free and fair in the ocean breezes; one more ship breaths the waves for the honor and glory of the country that gave her birth; one more champion of steel has leaped into the arms of the sea and has joined the pack that flies the stars and stripes. Steady as an island fortress the Ohio rides the waters of the bay, and the air still trembles with the riot of her welcome.

With the head of the nation at her bows, the pick of the East and the West standing under her beak of steel and following her with their eyes and their hearts; with a thousand vessels on sea and thirty thousand people on shore, and three of her sisters waiting for her and watching themselves in the smoke of their rambling guns; with her flags fluttering in the wind that played around her and the waving and sweep of the country's own glorious anthem thrilling the air, the Ohio entered history, ushered by all that augurs success and fame and honor.

As she rests in the water now the Ohio weighs 4,800 tons, a pretty weight to shift from shore to sea in half a minute and still harm no plate or stanchion. It required weeks of care and months of planning, for such a weight has never slipped from the ways of a Western shipyard, and with the presence of the nation's highest to watch her leave, the cradle where she had been sleeping it made an event that will not soon be equaled.

A stand for spectators had been built at the shore end of the ways, and reaching over this was the keen prow of the vessel. Just under the beak was the launching gullotine, a little sliding ax with razor edge, that was to cut a cord and free the mass of steel.

President McKinley was the central figure on the launching platform. He came early from the reception he had been given by the workmen of the iron works. With him were Secretary Hay, Secretary Long, Secretary Hitchcock, Secretary Wilson, Mr. Cortelyou, Governor Gage, Governor Naah, foreign consuls, State officials, General Shafter, Admiral Casey, officers of the navy in full dress uniform, officers of the army, gayly gowned women and delighted children. The stand was draped in the colors of the flag, and silken banners fluttered from every corner and along the railing.

The shipyard was in silence. None of the shops were running, and there was nothing to take the attention of the hundreds of men who, under James Dickie, the master shipcarpenter, were to start the vessel seaward.

Suddenly the clink of hammer on steel resounded from below the big hull and from every side. The word had been given to get ready and the men were knocking away every second block upon which she had been resting, so as to ease her down upon the cradle that was to carry her down into ways. And as she settled down into the cradle, the timbers cracked and squeaked, and the grease that smeared the ways, and oiled out in long strings and splattered over the wharf.

No one was allowed near the vessel in those last supreme moments. At the striking of a clock the men drove their hammers upon their wedges and the splitting of timber and the sound of falling beams mingled with the clink of steel on steel and the cry of the complaining cradle.

There was a sudden hush of under the hull like bees from a hive. The master shipwright scanned the dock up and down on either side, for woe to the man who remained among the blocks while that weight was flying toward over his head. They were all out and a knot gathered at each side near the bow, where the triggers that held her were ready to be sprung.

The tide had reached its height, and with 5,000 tons hanging by a single beam delay is dangerous. A beribboned bottle was lowered from her port bow by a band of red, white and blue, and the cutting of the rope that held the triggers, only remained to be done.

From far down came clearly the cry—"All right." Then with a rattle of small bells the flap on the gullotine fell, disclosing the word "Ready." Miss Barber pressed the button that released the knife: it shot downward and through the cord, and the two ends disappeared as the triggers swung from their places.

There was a clatter of falling timbers; Miss Desbier swung the bottle against the smooth steel beak and threw its sparkling contents over the metal, and then slowly, as if fearing to move, then gathering way as the full measure of her freedom burst upon her, the stately mass of metal glided away from those watching her, taking away with her their hearts and their prayers and proudly unfolding to the breezes the flag that is at once her mission and her life.—San Francisco Chronicle, May 15th.

SAN JUAN DE PORTO RICO, May 21.—Nine hundred emigrants embarked on the steamer California at San Juan, for Hawaii today, leaving 800 more ready to sail. Joyous manifestations accompanied the departure of the emigrants. Fourteen weddings and forty-eight baptisms took place Sunday. The emigrants took great care to speed. It is estimated about 20,000 in emigration and maintaining the emigration. Favorable reports from Hawaii have caused a continuation of the migration.

WISE MEN OF HAWAII

Senate Talks Over the Old Tug Eleu.

(From Saturday's daily)

The Senate convened at 2 o'clock yesterday afternoon, and after going through the usual preliminaries, settled down to the occupation of listening to committee reports. But one report was presented, however, that by the Committee on Public Lands, and when talk on the matter had continued for an hour and a half, the conclusion was reached that it was time to adjourn. The following is the committee report:

Hon. S. E. Kalua, President of the Senate.

Sir: Your Committee on Public Lands, to whom was referred item for "Pay roll, steam tug," would report as follows:

Your committee find the pay roll as follows: Captain, \$150 per month; mate, \$80 per month, engineer, \$120 per month; two deck-hands, \$38 per month; two firemen, \$104 per month; total, \$520 per month. Two years, \$11,200.

Your committee find to this to be added the sum of \$20,000 for coal and other expenses, making the total expense of the tug \$13,200 for the two years.

We also find that since the arrival of the Fearless the Government tug has not been paying but losing money as far as towage of vessels go. The only saving to the Government has been in the removal of garbage and carrying piles, etc., in the harbor.

This bill provides for a garbage crematory which, if built, will do away with the need of the tug for this work.

Your committee do not consider it is wise for the Government to try and compete with private enterprise in the matter of towage of vessels.

We would therefore recommend that the appropriation be inserted for one year at the rate asked for, or until the garbage crematory is erected and then the tug be dispensed with.

J. D. PARIS, JOHN T. BROWN, L. NAKAPAAHU

Senate Chamber, May 21, 1901.

Senator Paris led off in defense of the report, and moved to adopt it.

Senator Russell followed, and showed several reasons why the tug Eleu should be continued as government property. If the government boat was discontinued, the tug Fearless would have things its own way, was his argument, and in consequence would be an increase in the price of towing, etc.

The Board of Health needed a boat in which to make their trips to Molokai and other points, and if the government tug was not available, they would have to resort to the tug Fearless or some other boat and would have to pay an exorbitant price for its use.

He therefore was in favor of keeping the tug, as it is in a good serviceable condition for what it is used for.

Senator Russell then moved to retain the item as in the bill.

Senator Carter said it was a necessity to have such a vessel. The tug, he said, might prove of great service in saving life, and cited the instance of the little boy who was supposed to have been carried out to sea a short time ago. If the tug Fearless or any other boat had been asked to search for the boy they would have asked a good round sum for such work. In many other cases, he said, the boat had proven its usefulness, and besides had almost paid for itself in towing the garbage to sea.

"We are not in the days of the Monarchy, but in the regime of the Territory of Hawaii," said Cecil Brown, "and the government should not enter into competition with private enterprises of this kind. The boat is totally unfit for further service, and besides is not a paying proposition. When the government crematory is built there will be no further use for the tug, and it would then become an elephant on their hands."

Senator Kanahele remarked that if the other vessel was doing all the business, as is a well known fact, the government tug was a losing proposition. So far as the saving of life was concerned, the Federal government had a boat that could be used for that purpose.

Senator Paris said the committee had been informed by the treasurer that the cost of maintaining the tug amounted to over \$17,000, whereas the receipts were only \$9,500, a loss to the government of nearly \$8,000. The committee felt that it was necessary as long as it was necessary to haul the garbage to sea the boat would pay for itself, but as soon as the government crematory was established, which has been recommended, the boat would be a loser.

The statement made that he had been made a tool of by parties interested, he wanted to tell his friend Carter, was not the case, as he had not received any instructions one way or another and as far as the Fearless raising the price on towing, etc., was concerned, that would be the means of bringing other boats into competition with her.

Senator Achi said it would cost the government \$75 per day to hire a boat to do what the government tug was doing, at a cost of less than \$50 a day. In regard to the remark that competition would arise if the other boats raised the price, he said such would not be the case, and referred the Senators to the meat market that had been doing business here for so many years, and when a competitor appeared in the field how everybody said a fall in prices would be the result. But such was not the case, he continued, they had combined, and the same would be true of the tug business here. If the boat in question was done away with the members would some day be sorry that they ever favored such a proposition.

Senator C. Brown then rose, and after making a few more remarks, moved the previous question, in order to shut off the "wind."

Upon Senator Baldwin's motion the committee report was adopted.

Under the suspension of the rule Senator Nakapahu presented the following resolution, which was lost:

Resolved, That the clerk of the Senate be and he is hereby directed to cause the Journal of the extra session of the Senate to be printed in the English and Hawaiian languages, and to furnish each Senator with ten copies of each day thereof; and also to have such journal bound with the Journal of the regular session heretofore, ordered by resolution.

L. NAKAPAAHU.

Senator Crabbe, who had been looking at frequent intervals at the thermometer lying in his desk, finally pulled it out, and after applying a match to it, in order to make a better showing, shoved it under "Oily Bill's" nose who, upon looking at it, jumped to his feet, and with his eye balls almost starting from their sockets, moved to adjourn, and showed the thermometer to the president, which registered 118 degrees.

A great commotion then ensued as to what time they should adjourn to "Oily Bill" wanted the time set at 10 o'clock. Kanahele and others wanted it at 9 o'clock today, which finally carried. The Senate adjourned at 3:50.

PROCEEDINGS OF THE HOUSE

The House spent another day without accomplishing much of anything. Several reports were presented, but until they are all in, nothing like a systematic consideration of the appropriation bill can be taken up. At least, the House so decided, after spending all day finding it out. There was another tilt between Makekau (Ind.) and Emmeluth (Ind.), and it is exactly the lack of organization among the Independents that delays things. Makekau (Ind.) wanted the matter to go over until Monday Emmeluth (Ind.) said there was no necessity of the House wasting any time on that, as the Organic Act was very plain on that score.

He declared that United States was in control here now, and not a classifying government, and the United States did not pay any subsidies. Hoogs (Rep.) suggested that the United States did pay the Oceanic Steamship Company a subsidy, but Emmeluth declared it was simply a mail contract that they held with the American government, and not a subsidy. Hoogs still contended that it was a \$15,000 subsidy, but Emmeluth persisted that it was not. Makekau (Ind.) again got the floor and attacked Emmeluth, claiming that he was not assent; that he had insisted on the necessity going over until the courts should decide whether the Governor was disabled or not, but that he was not willing to even allow discussion on the O. R. & L. matter. Kaniho (Ind.) seconded Makekau's argument, but the motion to table carried.

The House then proceeded to discuss what the various committees had been doing during the past three days when they were supposed to have been at work. Makainal (Ind.), chairman of the committee on public lands, said that he had no report for the day, for it leaves them a bare majority of "stalwarts" of sixteen members, including the speaker.

The first thing in order was the message from Acting Governor Cooper, which had already been sent to the Senate, and has been published in these columns. As soon as it was read, Emmeluth (Ind.) moved to lay it on the table, as the matter of the authority of the Acting Governor to hold office is before the courts for determination. The motion was in the form of a resolution, and Makekau (Ind.) objected to its being out of order, the heading "resolutions" not having been reached on the order of business. Emmeluth then changed it to a motion, and it went through, but not before Aylett (Rep.) had moved to refer the matter to the Judiciary committee. Kaniho (Ind.), one of the "stalwarts," surprised the House with an objection to tabling the resolution, on the ground that the members had recognized the authority of Mr. Cooper to act as Governor by drawing their salary on the bill that had been signed by him as such Acting Governor. Hoogs (Rep.) also objected, seeing something of an amusing nature in the proceedings, suggested that the logical conclusion to draw from the tabling of the message was that the members should all go back to Treasurer Wright and hand in their little \$200 and mileage. Kaniho (Rep.) objected to this, as he said he had already spent the money, as had most of the others from the expressions passed.

The next matter to come up was the communication from the Board of Health, who evidently think that their subsidy is in danger. The communication was as follows:

Honolulu, May 21, 1901.

To the Finance Committee of the House of Representatives of the Territory of Hawaii.

Gentlemen: We beg to call the attention of your honorable committee to the enclosed statement of subsidy to which the Oahu Railway and Land Company is entitled and which becomes due during the current biennial period, the amount of which is \$79,800.

The wisdom of the Legislature of 1890 in granting this aid to the O. R. & L. Co. has been fully justified by the vast amount of taxable property which has come into existence through the construction of this road. The road would never have been built without the subsidy. If it had not been built, the Ewa and Waiwae districts would have remained undeveloped to the present time.

The question before your honorable body at the present time is not should the subsidy have been granted, but should it be made?

The credit of the Government was pledged to assist in the construction of this railroad. Bonds were sold and purchased by the public, and obligations were entered into on the faith of this undertaking on the part of the Government. The subsidy therefore became a part of the national obligations standing exactly on the same footing as the national debt. Default cannot be allowed to take place in the payment of the one any more than of the other without impairing or destroying the credit of Hawaii.

We therefore beg to submit this matter to your attention in order that the proper appropriations may be made, and to prevent any default through oversight. Respectfully yours,

HATCH & HILLMAN, (By F. A. H.) Attorneys for O. R. & L. Co.

Honolulu, May 21, 1901.

TERRITORY OF HAWAII TO OAHU RAILWAY AND LAND CO., DR.

To subsidy accrued and to become due under and by virtue of chapter 81 of the Laws of 1890.

June 30, 1890. Accrued third annual installment of subsidy \$50 and payable on the extension of the main line of the Oahu Railway & Land Co. from Waiwae to Waiwae completed and accepted by the Minister of the Interior as of December 27, 1890; 15 miles at \$700 10,500

June 30, 1891. Fourth annual installment of subsidy accruing, this date on the extension of the main line of the Oahu Railway & Land Co. from Waiwae to Waiwae completed and accepted by the Minister of the Interior as of December 27, 1890; 23 miles at \$700 16,100

December 31, 1901. Third annual installment of subsidy accruing this date on the extension of the main line of the Oahu Railway & Land Co. from Waiwae to Waiwae completed and accepted by the Minister of the Interior as of December 27, 1890; 15 miles at \$700 10,500

Total \$37,100

Prendergast (Ind.) promptly moved to table the communication. Makekau (Ind.) wanted the matter to go over until Monday Emmeluth (Ind.) said there was no necessity of the House wasting any time on that, as the Organic Act was very plain on that score.

He declared that United States was in control here now, and not a classifying government, and the United States did not pay any subsidies. Hoogs (Rep.) suggested that the United States did pay the Oceanic Steamship Company a subsidy, but Emmeluth declared it was simply a mail contract that they held with the American government, and not a subsidy. Hoogs still contended that it was a \$15,000 subsidy, but Emmeluth persisted that it was not. Makekau (Ind.) again got the floor and attacked Emmeluth, claiming that he was not assent; that he had insisted on the necessity going over until the courts should decide whether the Governor was disabled or not, but that he was not willing to even allow discussion on the O. R. & L. matter. Kaniho (Ind.) seconded Makekau's argument, but the motion to table carried.

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your committee thinks that these offices could be safely dispensed with, and the money asked for them could be spent for repairs to public roads.

Your committee recommends the following changes to the items enumerated hereafter:

Salary of Secretary \$4,800

The office is an important one and should be given a salary equal to the chief clerks of departments of like importance.

As the clerical work of the Department would increase after the offices above enumerated are abolished, your committee would recommend the following item be inserted after salary of secretary, and the salary for same to be increased, viz:

Salary of Assistant Clerk \$2,400

Under pay of Government physicians, your committee recommends the following changes, viz:

HUMPHREYS' LAWYER MILL AND THE REASONS FOR IT.

The general public has known that Home Rule members of the Legislature were being put through the law mill at Judge Humphreys' office at a rapid rate, but few have any conception of the bare-faced indecency of the railroad methods pursued, or to the extent to which they have been carried, or of the causes leading to them.

Here are some of the peculiarities of the procedure:

The law permits both the Supreme and Circuit Courts to admit practitioners in the District Courts.

The Supreme Court long ago established a rule prescribing the method of application and course of procedure. This rule is as follows: "Applications for admission to the Bar of the Supreme Court, OR OF THE LOWER COURTS, shall be by petition in the applicant's handwriting, setting forth his age, birthplace, nationality, last place of residence, and the character and term of his study. Sufficient certificates of the applicant's good moral character, and if he be a member of the Bar of any other court, the certificate of his admission to such Bar shall accompany the application."

This rule is still observed by all the judges except Judge Humphreys who, for the benefit of his Home Rule legislative friends, has cut loose from all rules.

Between April 17th and May 2d last, just fifteen days, Judge Humphreys admitted eighteen persons to practice law. Of these one is a Home Rule campaign leader; one is the assistant clerk of the Home Rule Legislature and sixteen are Home Rule members of the Legislature, six Senators and ten Representatives.

The applicants did not file petitions in their own handwriting. Instead, Judge Humphreys directed one of the clerks of the court to make up batches of blanks, five or six at a time, one being an original, and the remainder carbon copies. These blanks were filled in and signed.

The petitions do not set forth the place of residence of the applicants, nor do they set forth "the character and term of his study." There are no accompanying certificates of the applicant's good moral character.

The modus operandi of the law mill was for an applicant to get a type-written blank from the clerk, fill it out, or get the clerk to do it for him, take it in to Judge Humphreys, get his approval, sometimes within five minutes, come back to the clerk and get a license to practice law.

There was no examination of the applicants, for the good reason that the Judge speaks no Hawaiian; with a few exceptions the applicants speak little or no English, and the bulk of the petitioners know so little law that they cannot tell the difference between a subpoena and a probate decision. It was literally a case of "make you a lawyer while you wait."

The following is the list of those who were run through the legal hopper during the fifteen days named: Senator Kanuha, who is the tailor at the Kamehameha School, and a very good tailor, too, slipped a cog and did not undergo the milling process until May 15th. It is stated that he appeared with the others, but acknowledging, as the others didn't, that he had not read the Civil or Penal Code, he was told by Judge Humphreys to first do this. He returned two weeks later and announced that the prescribed course of study was complete. The mill wheels thereupon revolved for five minutes and produced "David Kanuha, Attorney-at-Law."

PRODUCT OF THE HUMPHREYS' LAW MILL.

Name	Age	Application	Date	License
1. M. H. Kanhu	35	April 17	April 17	
2. R. Pucki	38	April 17	April 17	
3. J. W. K. Kelki	38	April 18	April 18	
4. George P. Kaufmakale	38	April 18	April 18	
5. D. Kakuokalani	38	April 18	April 18	
6. J. B. Kaohi	38	April 18	April 18	
7. L. Nakapashu	38	April 18	April 18	
8. J. H. Kahilina	38	April 18	April 18	
9. S. K. Pua	38	April 18	April 18	
10. William Whitely	38	April 18	April 18	
11. F. W. Beckley	38	April 18	April 18	
12. S. H. Haahoo	38	April 18	April 18	
13. J. K. Kakuale	38	April 18	April 18	
14. Benj. K. Kane	38	April 18	April 18	
15. John T. Brown	38	April 18	April 18	
16. William Moosman	38	April 18	April 18	
17. R. H. Makakau	38	May 2	May 2	
18. H. Kanaohi	38	May 2	May 2	
19. David Kanuha	38	May 15	May 15	

* Not a legislator or politician so far as known.

A SIGNIFICANT SIDE LIGHT.

A sidelight is thrown on the whole procedure by the fact that on April 25th, one H. P. Halola filed a petition to be admitted to practice, accompanied by a certificate of good character and competency to practice, signed by eleven people, including Judge Wilcox.

Mr. Halola did not have the good fortune to file his application on one of the Humphreys' patent carbon blanks, warranted to take immediate effect, and the still greater misfortune not to be a member of the Legislature.

He was told by the Judge to call again next day, and on the next day was further advised to call again in six months.

At the identical time that this wholesale presentation of lawyers' licenses to members of the Legislature was going on, there was pending before the Legislature a bill drawn by Judge Humphreys, which held concealed within its ambiguous phrases a power which he claims takes away from the clerk of the Supreme Court and the high sheriff the duty of drawing juries; a power which they have held by law for years, and which places the absolute power in Judge Humphreys to draw through any bailiff appointed by him, not only Grand Jurors, but the regular juries which try the indictments found by such Grand Jurors.

In pursuance of his claim he has appointed C. A. K. Hopkins, an inexperienced young Hawaiian, and Oscar Lewis, of Lewis & Turk, as his bailiffs. Mr. Hopkins purports to have selected the Grand Jury to find indictments, and Mr. Lewis is in line of succession to stand sponsor for the regular jury to try such indictments.

TEXT OF THE BAILIFF ACT.

This is the Bailiff Act, smuggled through the Legislature, under which Judge Humphreys claims that the power to draw grand and petit juries is taken away from the clerk of the Supreme Court and the high sheriff and given to his personally-appointed bailiffs, C. A. K. Hopkins and Oscar Lewis:

ACT 10.
An Act Relating to the Appointment of Bailiffs for Certain Courts in the Territory of Hawaii and Defining the Duties and Powers of Such Bailiffs and Fixing the Amount of Their Compensation, and Providing for the Payment of Such Compensation.

Be it enacted by the Legislature of the Territory of Hawaii: Section 1. That the Chief Justice of the Supreme Court be and he is hereby authorized to appoint a bailiff for the Supreme Court, and upon extraordinary occasions to appoint such additional number of bailiffs as he may deem necessary for a period not exceeding ten days.

Section 2. That the several Judges of the several Circuit Courts be and they are hereby authorized to appoint a bailiff for their respective courts; Provided, that each of the Judges of the Circuit Court of the First Circuit may appoint a bailiff; and, Provided, that during any term of the Circuit Court, the presiding Judge thereof may appoint such additional number of bailiffs as he may deem necessary.

Section 3. That it shall be the duty of the several bailiffs appointed under this Act to at all times preserve order in the courts of which they are appointed and under the order and direction of the Judges of such courts to execute their commands and make proclamation of their orders, judgments and decrees and to serve and to otherwise execute under the order and direction of the Judges aforesaid all and every process issued by said Judges or issued out of their respective courts; and while so serving or executing any of the orders, directions, commands and process aforesaid, said bailiffs shall have and they are hereby vested with all of the power and authority enjoyed and possessed by sheriffs.

Section 4. That every bailiff appointed under the provisions of this Act shall hold his office during, and only during, the pleasure of the Chief Justice or Judge appointing him, as the case may be.

Section 5. That the bailiffs appointed under the provisions of this Act shall be paid for their services at and after the following rates, and it shall be the duty of the Auditor of the Territory of Hawaii to draw a warrant for the same upon the Treasurer of the Territory of Hawaii, upon an order so to do under the seal of the court, of any Judge of the court by whom any such bailiff may have been appointed; that is to say:

The bailiff of the Supreme Court per month . . . \$100 00
Additional bailiffs at the rate per day . . . 5 00
The bailiffs of the First and Fourth Circuits per month . . . 50 00
The bailiffs of the Second, Third and Fifth Circuits per month . . . 50 00
Additional bailiffs for the several Circuit Courts, per day, for each day of actual service . . . 1 00

Section 6. This Act shall take effect and be in force from and after the date of its passage.

Approved this 25th day of April, A. D. 1901.
SANFORD B. DOLE,
Governor of the Territory of Hawaii.

Germans for Samoa.

Mr. G. Kunst of Samoa, well known here, the purchaser of the steamer Ringarooma for the Samoa-Hawaiian trade, has bought up all the available land in Samoa, some 11,000 acres, and as a result the land values on Upolu have doubled within the past year. Mr. Kunst intends to bring out a number of German immigrants to Samoa, where he intends starting coffee plantations, the land and climate being well adapted for the purpose. It is stated that Mr. Kunst intends to have a couple of steamers constructed in Germany to run in conjunction with his present vessel in the island trade.

A VERY REMARKABLE REMEDY.

"It is with a good deal of pleasure and satisfaction that I recommend Chamberlain's Colic, Cholera and Diarrhoea Remedy," says Druggist A. W. Sawtelle, of Hartford, Conn. "A lady customer, seeing the remedy exposed for sale in my showcase, said to me: 'I really believe that medicine saved my life the past summer while at the shore' and she became so enthusiastic over its merits that I at once made up my mind to recommend it in the future. Recently a gentleman came into my store so overcome with colic pains that he sank at once to the floor. I gave him a dose of this remedy which helped him. I repeated the dose and in fifteen minutes he left my store smilingly informing me that he felt as well as ever. Sold by all dealers and druggists. Bensen, Smith & Co., Ltd."

IRISH PAPER IS SEIZED

Foul Attack on the Sovereign of Britain.

LONDON, May 11.—The Times says "The Irish People" was seized after publication, and many copies had been sold. It contained a foul and obscene attack on the King in connection with the action of Archbishop Vaughan and the English Catholics recently in presenting a royal address. The libel was comparable in falsehood and bad taste to the worst outbreaks of the French gutter press during the Fashoda period.

In the House of Commons, Mr. Wyndham, Chief Secretary for Ireland, said the seizure was effected without a warrant under the common law. He had authorized the prevention of crime by stopping the further dissemination of a seditious libel.

Mr. John Dillon, in moving the adjournment of the House, did not attempt to justify the language used by the paper, but censured the suppression of freedom. Neither the Viceroy of Ireland, nor Mr. Wyndham, nor the House of Commons was competent to judge what was seditious. It was a question for the courts.

Mr. Redmond, in seconding the motion, said the Executive was in reality attempting to suppress the United Irish League.

Mr. Wyndham, in replying, claimed personal initiative and responsibility for seizure. The publication was a gross and scandalous libel. He would not soil his lips by reading the outrageous, scurrilous, loathsome and false attacks on the King, and offend the ears of members of the House and wound the feelings of millions of the King's subjects throughout the world. Not only would the Government suppress it, but it was the duty of any loyal subject to intervene. The libel was couched in language fouler than any used abroad in regard to the late revered Queen. A prosecution would probably do more harm than good.

Mr. Balfour, in the course of a speech, asked: "Is the publication of an obscene libel a necessary weapon of political agitation?"

The question was received with angry Nationalist protests.

Mr. Balfour continued: "Why then, did what is described as their leading organ stoop to use the foul and poisonous weapon of seditious and obscene libel?" Mr. Balfour went on to say that owing to his very high position the King was less able than any of his subjects to repel attacks. A gross offense against decency and morals had been committed. If the Nationalists were aggrieved the courts were open to them. The suppression of nauseous attacks on the private character of the Sovereign did not affect the great and sacred cause of the freedom of the press.

Mr. Asquith re-echoed Mr. Balfour's sentiments.

The motion for adjournment was negatived by 253 against 64.

Ten Radicals voted with the minority, and a number of Liberals and Radicals abstained from voting, objecting to Mr. Wyndham acting judicially and the police not being furnished with warrants. The bulk of the Liberals voted with the Government.

"The Irish People" has made a long series of attacks on the Government and the Empire.

There is a consensus of opinion that the latest article will create antagonism between the English Catholics and the United Irish League.

SOME WORLD NEWS.

LONDON, May 12.—The destruction of Hartbeestfontein greatly hampered Commandant De la Rey, who retreated to Walsmanstad, on the southwest border of the Transvaal, where the late Boer capital was established.

The result of the combined British movement in the bush veiled and Pietersburg district of the Northern Transvaal, was the surrender or capture of 1,500 armed burghers.

The enemy were less able to support the bush campaign than the British when the roads and drifts were blocked.

A laager was surprised at Vaalrad, and six Boers killed and four wounded.

LONDON, May 11.—Reuter's correspondent states that Lord Methuen, at Binstontin, recaptured a gun taken by the Boers at Nitral's Nek. Four Boers were killed and several captured.

General Grenfell also recaptured another Nitral's Nek gun.

General Babington has unearthed a Krupp gun.

A detachment of Tasmanian Bushmen, under Lieutenant Colonel Wollock, engaged Scheepers' commando at Gonnashoek. Three Tasmanians were wounded and one captured. The Tasmanians renewed the attack next day, expelling the Boers from the position without loss.

Vlalis captured twenty of Matthew Pretorius' force, and the remainder have scattered. Vlalis is pursuing another commando.

LONDON, May 12.—Lord Kitchener reports: Since the 7th, 23 Boers have been killed, wounded, and 130 taken prisoner; 183 have surrendered, while 5,000 rounds of small arms ammunition, 230 wagons, 1,500 horses, and large quantities of grain and stock have been captured.

ACTION FOR SLANDER.

LONDON, May 10.—Werner, Belt & Co. have issued a writ for slander against Mr. Markham in connection with his recent utterances in the House of Commons.

CHINA.

LONDON, May 12.—Circumstantial evidence from Singanfu state that Tachuanlin and General Yungfu are supporting the Empress Dowager's reactionaries, and are defying the Ministers of the Chinese court.

It is feared a revolution is contemplated, aiming at the death of the Em-

peror, and in favor of Prince Tuan's son, P'u Chun.

The American troops have evacuated Peking, excepting the forbidden city, where the legation guard remains.

Most of the British troops at Tientsin are returning to India forthwith.

BRITISH TELEGRAPHS.

LONDON, May 11.—Sir Michael Hicks-Beach, replying to Mr. Henniker Heaton, said the deficit on British telegraphs in 1900 was £200,000, making a total deficit since the government purchased them of £2,000,000. The public could not have a return on capital, and at the same time have remunerative concessions.

A CLOSE DIVISION.

LONDON, May 11.—In the House of Commons a snatch vote on the Scottish estimates gave the government a majority of twelve.

LORD SALISBURY.

LONDON, May 11.—Lord Salisbury has returned from a visit to the Riviera in restored health.

THE BARCELONA RISING.

MADRID, May 12.—Ten thousand troops occupy Barcelona. The tramways have resumed running, and factories have started to work.

TRADE WITH GERMANY.

BERLIN, May 12.—The Reichstag passed a bill prolonging favored nation treatment to Britain and her colonies. The Reichstag adjourns till November.

A HISTORIC MAMMAL.

LONDON, May 12.—Sir Harry Johnston, special commissioner to Uganda, has sent to the British Museum the skin and skull of a mammal discovered in the forests of Uganda and Congo. It is supposed to be the historic hellodotherium. It resembles the giraffe, wild ass and tapir combined. The forehead is scarlet, and the rest of the skin is remarkably colored.

THE TURKISH POSTOFFICE.

CONSTANTINOPLE, May 12.—The Turkish government has accused the directors of the foreign postoffice of facilitating and smuggling of an ambassador's returned note making an accusation offensive to the Porte. The ambassadors have cited the cases of Japan and Egypt in support of their contention to a legal basis for foreign postoffices in Turkey.

ENGLAND AND WALES.

LONDON, May 10.—The population of England and Wales, as shown by the census, is 32,525,763. The population of the County of London is 4,555,000; of the other administrative counties, 18,850,462; and of the county boroughs 9,123,130. The counties, including the other portions of Greater London, show a very large increase, while the agricultural counties are stationary or declining.

The return for England and Wales shows an increase of 3,525,151 on the last census, taken in 1891, when the population was 29,000,612. The increase for the preceding ten years was 3,028,063, so that a slightly increased ratio of growth is exhibited.

In London county the increase was 324,978, the population at the 1891 census having been 4,211,004. The increase during the preceding decennium was 215,512.

CIRCUIT COURT AND GRAND JURY

Judge Humphreys has rendered decision in the matter of T. F. Lansing, who was before the court in response to a citation to appear and show cause why he should not answer the questions asked him by the Grand Jury in regard to the bribery matter.

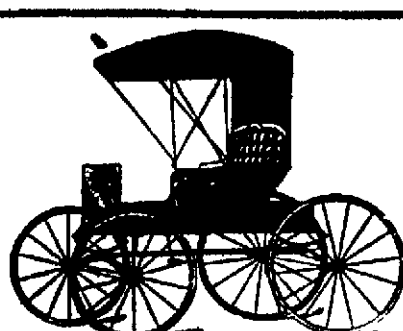
The court characterized the claim of privilege made by the ex-Treasurer as without merit or foundation, but it discharged him because his information was hearsay, and because he gave the name of persons from whom he received it. The court said that no indictment could be made on hearsay testimony. The ruling was, however, that Mr. Lansing had no privilege in the matter, and that if he had original evidence the court would require him to give the evidence or abide by the consequences.

Attorney-General Dole was present when the decision was given.

Foreman Carter yesterday invited Dr. Russell, ex-president of the Senate, to appear before the Grand Jury and to give such information as was in his possession concerning the alleged bribery of members of the Legislature.

Dr. Russell at once responded, and was in conference with the Grand Jury for some time.

The "Blue and the Gray," at the Orpheum tonight.

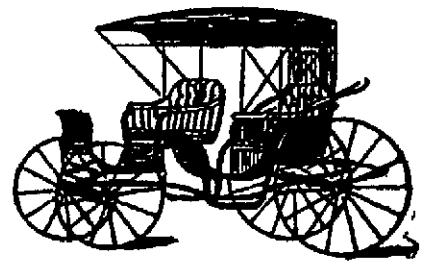


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E. SUHR, Secretary and Treasurer. T. MAY, Auditor.

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SENSATION FOLLOWS SENSATION IN THE SMITH CASE

WALTER G. SMITH REPLIES TO JUDGE A. S. HUMPHREYS

Startling Facts in Addition to Those Sworn to in the Rejected Affidavit—Serious Charges Against Humphreys.

TO THE PUBLIC: At Saturday's session of the First Circuit Court, Judge Humphreys, replying to my affidavit alleging disqualification on his part to try my case in court, and giving facts in support of that plea, denied all material statements of the affidavit but two, namely: that he had offered me the editorship of his paper, the Republican (in advance of its issuance) and that he had lately sent a message expressing contempt for me personally, and for the policy I had pursued in Hawaii. The things he admitted he could not be proved by witnesses. Further details, which were in possession of my counsel at the time my affidavit was prepared, but were left out of that document, so that motives could not be misconstrued, will appear below.

Before meeting Mr. Humphreys' denials, let me add to the statements touching his admitted attempts to get my services for the Republican. One took the form of an offer of his personal check of \$500 to leave the Advertiser; the other was the intimation that the coming newspaper, the Republican, being sure of the appointment of Mr. Sewall as Governor, would receive all the Territorial printing at its own price, thus making the paper a fixture and giving me the assurance of a permanent editorial relation. Mr. Humphreys also said that, if municipal elections were established by Mr. Sewall's friends, the Republican would get the lion's share of the spoils. Regarding Humphreys as a man, who was trying to compromise me, I took the precaution to make regular reports to Mr. Thurston and Mr. Pearson, president and manager, respectively, of the Hawaiian Gazette Company, of his various proffers. These gentlemen and one or two others I could name, are available as witnesses. Let me add, in parenthesis, that I made no mistake in regard to Humphreys' treachery, having the fact now before me from an original director of the Robert Grievance Company that, while negotiating to get me off the Advertiser, with the promise of the editorship of the Republican, Mr. Humphreys was writing to Mr. Gill to come and take the very post.

But I have not yet told the whole story of what could have the post of Secretary of the Territory or at some later time become a delegate in Congress. He urged me to go with him to Waikiki and meet Mr. Sewall socially, and to seal a friendship agreement there. In the course of these conversations Mr. Humphreys naturally opened out his own ambitions. He had come into Hawaii, he said, with hardly a dollar, deceiving the custom house or immigration inspector as to his ability to meet the \$50 test by flashing a roll of Confederate money; and already he was in the way of rising to the highest posts where he could well reward his friends. Judicial preferment was a first step only. He would yet enter the Federal Senate from the State of Hawaii. He talked like a man who believed himself to be a Napoleon, whose destiny was to walk on the loftiest levels of public life.

At the time of Judge Edging's appointment, which was coincident with his own as a judge of the Circuit Court, Humphreys called at my office and said: "I am disgusted. A judgeship given to this man Edging is of no value to me. I feel like resigning my post and going elsewhere. Mr. Smith, I can raise \$75,000. If you will agree to go to San Francisco with me and start an afternoon paper we will shake up California politics from the bottom; and with the pull I have there, I know I can get into the United States Senate before I am forty." Touching the narrative here set down I challenge Abram S. Humphreys to deny any part of it under oath, even though he has uttered these quoted falsehoods from the bench.

The Judge of this court never at any time prior to his appointment to the bench or since, said one word to Walter G. Smith about his political ambitions or his private aims, nor did the Judge of this court ever at any time enjoy any social or intimate relations of any sort with Walter G. Smith.

Touching social or intimate relations of any sort, let me say that I first met Mr. Humphreys at a social function (Dr. Cooper's)—one of the few my night duties have ever permitted me to attend; that I have been vainly urged by him to lunch with him at the club; that I have been asked by him to drink at bars where, before his appointment as judge, most of his social relations were had; and by the word of reputable people connected in various ways with the Advertiser, I can prove his attempts to get on a footing of intimacy. "Why," said Mr. Pomroy, foreman of the Gazette Co., to me recently, "the man even hung about the office stairs waiting to see you, and asking when you were likely to return. The persistency of Judge Humphreys' calls was noted by many of my staff and by the employees of the business department of the paper. The intimacy was plain on Humphreys' part, and would have been embarrassing to me had not my employers, at the time, known the causes of it. Unsolicited and unwelcome as that intimacy was to me, it even went so far on Humphreys' part that, in a moment of bibulous confidence, sitting, as usual, in my own office, he said: 'It is the missionaries' own fault that I am against them. I was ready enough when I came here to join fortunes with them, but they ignored me.'"

Said Judge Humphreys: The statement of the affiant with reference to the brother of affiant, Fred. Smith, who was formerly clerk of this court, is true in only one instance. It is true to this extent, that Walter G. Smith approached the Judge of this court and inquired of him there was a vacancy in the clerk's office of this court. Being informed that there was, he requested that the position be given to his brother, who was a stenographer. It was expressly represented to the Judge of this court that the brother of Walter G. Smith was an expert stenographer, and as there was a vacancy in the clerk's office, the salary only being \$75 a month, and it being represented to the Judge that he could not only secure a clerk but a stenographer for that sum, and deeming it wise to do so, the Judge did offer that position to Mr. Smith's brother, and Mr. Smith's brother came from New York and assumed to fill the position. When he arrived here it was found that he had no qualifications as a stenographer. And while possessing very many pleasing qualifications, and being a young gentleman of excellent character, he was unfitted for the position of acting as stenographer in the most informal matters before the court, so that in a discussion with the Chief Justice of this Territory and an Associate Justice of this Territory, it was agreed that the Chief Justice should ask him to resign upon thirty days' notice, and that was done. The statement of this affiant that he was removed summarily and without cause is an absolute, unqualified and unconditional falsehood, and is utterly inconsistent with the truth, and with the facts in the case.

Judge Humphreys, speaking falsely from the bench, declared that I asked for the appointment of my brother to a clerkship in his court, stating that the young man was an expert stenographer, and that he would work for \$75 per month. That is to say, the judge affirms that I, an editor who was constantly criticizing him and his policy in the columns of the Advertiser, and refusing to accept \$500 checks and the like, was willing to compromise my position and standing with this paper for a clerkship which my brother did not want, and twice refused, in writing, before he accepted it. The Judge also says there was a vacancy in the clerk's office of his court. There was none for over two months, which gave my brother time to get there from New York. The truth about the whole matter is as follows:

Some two months before the nominations for Judges of the Circuit Court were made at Washington, the Advertiser contacted a local lawyer to the effect that Frederick D. Smith, a brother of Walter G. Smith, who was about to leave New York for Hawaii, to take a position in a lawyer's office, had been shot while hunting rabbits. Time went by, and Mr. Humphreys, receiving news that he had been nominated and confirmed for judge, called at my office and said: "I understand that your son, who was coming here, was shot. As I haven't heard of his death I presume he is recovering." I explained that the young man referred to was not my son, but my brother, my son being here. Mr. Humphreys asked the age of my son, which was sixteen. "Oh," said he, "I wanted to offer him a clerkship in my court, but he is too young," explaining, incidentally, that the job was worth \$100 per month with some perquisites. I thanked Mr. Humphreys, and the subject lapsed. Meanwhile, I wrote my brother, telling of the circumstances.

Later, Mr. Humphreys, by that time on the bench, stopped me in the street and asked if my brother would not accept the clerical position, which would be vacant in July or August. I told him I did not know, but would enquire by mail. I also said that if he would, his acceptance could not affect the course of the Advertiser. My brother, having a comfortable clerkship at home, and independent means, declined. Humphreys persisted, and coming to my office, late one evening from a dinner party, and being under the influence of liquor, urged me to send a telegram by steamer the next day or two saying that, in my opinion, Frederick D. Smith ought to come at once. Then and there, in a voice which was much too loud for strict privacy, Mr. Humphreys said: "You understand that this is a case of backscratching." My reply was substantially as follows: "I told you before, that I could not use this paper to reward my friends or punish my enemies. If it's a matter of backscratching we must call the whole thing off." Mr. Humphreys' reply was: "Well, we'll waive that and I'll make the appointment, any way." Seeing that the man had been drinking, I said: "You have been dining out tonight. Tomorrow you may feel differently, let it go until then." The next day Judge Humphreys telephoned me that everything he had said the night before held good; to send for my brother at once. I did so, explaining again to Frederick D. Smith about the position Judge Humphreys offered. My brother's return message was a friendly agent, Mr. James S. Wallace, of the San Francisco Chronicle, was a declination. It was followed later by an acceptance, and both messages reached me here at the same time. And yet Judge Humphreys, sitting on the bench, and lying openly, knowingly and with naked intent to deceive, stated that I asked a position for my brother, alleging that he was an expert stenographer, who was willing to work for \$75 per month. Yet the matter of stenography had never been mentioned until the second or third interview, when I remarked, incidentally, that my brother had lately graduated at the Albany Business College, and knew some stenography, how much I could not tell. "Well," said the judge, "if he can take dictation I can get him extra work amounting to about \$50 a month." In due time the young man came, finding that his appointment was merely temporary at \$75, instead of \$100 per month; finding to his surprise that Judge Humphreys' own paper, bitterly assailed him as a "carpet-bagger" and "lame duck"; finding that Judge Humphreys' colleagues had not, as the judge requested me to write him concerning in the appointment, and being well prepared, despite Judge Humphreys' assurance to me three days before his dismissal, that the young man was "doing splendidly." For the summary notice of dismissal, which came later. It is true that the notice

was given by Justice Frear, a man whom Judge Humphreys told me had concurred in the appointment, but who had evidently been deceived by Humphreys about the said appointment originally, and in regard to my brother's experience in shorthand writing. To sum up, Judge Humphreys hoped, by keeping Frederick D. Smith on the payroll, to induce Walter G. Smith to modify the Advertiser's criticisms of him; and finding, as our files will show, that such criticisms increased, rather than diminished, he secured the discharge of my brother as soon as possible. I admit that Judge Humphreys, feeling an obligation for having induced my brother to come here, paid his passage to San Francisco. Would he have done this if the appointment had been made at my solicitation, under false pretences?

The point where Judge Humphreys' innate propensity for falsehood comes out in best relief is in the statement that a request for my brother's appointment came from me. Yet, how unreasonable such a thing must sound. I had refused Humphreys' proffered favors; at the very time I was sharply challenging his political honesty and personal rectitude in the public prints. Would I have gone to him, of all men, for patronage? In doing so would I not have exposed myself to a charge that I had asked a favor and promised editorial "backscratching" in return? Why should I have put my good name in the hands of a man whose crookedness and treachery I well knew, or suspected, risking exposure and rebuff? The idea is preposterous on the face of it—the more so because I had friends in office and in business who might have been willing to serve me within the limits of their powers, and because, as correspondence can prove, my brother did not want the court clerkship, and refused it twice. Surely, I would not have asked Judge Humphreys to do my brother a favor without first asking whether said brother wanted it done.

One word more under the head of causes. Judge Humphreys says my brother was dismissed because he was not a stenographer. Neither is his successor a stenographer. If stenography was the test, why was it applied to my brother, alone? Was it not applied to offend me, and to punish my obtuseness in not seeing good chances in the Advertiser to compliment Humphreys, as his own paper does—reveling in rhetoric about his "fearless nature," his "pale, intellectual face," his ability and dignity and power, and of the unwisdom of not letting him manage the daily affairs of this Territory?

It is no light thing for a man's sworn word to be assailed by a judge sitting on the bench; but one may, after all, consider the personal source. Judicial honors may be worn, and have been worn, by men of the lowest character; and in a case where such men are accusers a defendant should and could with confidence appeal to the righteous judgment of public opinion. From that tribunal, already aroused by an insane abuse of power on the part of an ermined scoundrel, I now ask vindication. Who is the man who stands as my accuser? He has been a law-breaker all his mature life. Among the personal reminiscences in which he takes most delight are those revealing him as a frontier bully trying to destroy human life. He is accused by those who knew him in Arizona of being an absconder, a pious fraud, a robber of the widow and orphan. I know of no attempt on his part to refute these charges in an Arizona court. He came to Honolulu by a method which violated the law, and has made a common boast of it since. A vulgar brawler in the streets, he attacked a witness, Mr. Davey, because the latter had not given testimony to suit him, and was arrested and fined \$100 for assault and battery. Another charstone quarrel of his own seeking resulted in his being knocked down. Incidents known to the police, incidents breaking a law which he lately proclaimed from the bench as being one of special and peculiar sanctity, reveal him as vicious and debased. He stands accused of having paid bribes to legislators with unearned licenses to practice law, and his only answer is a pettifoggish plea that the accusation is imperfect as to dates. The people of Hawaii know him as a corrupt politician on the bench, who makes it his aim to pack juries, intimidate counsel, to assail reputations, and to bear false witness against men who are compelled to go before him, seeking justice. He is known as the controlling owner of a newspaper which libels men and women without stint. Off the bench, the word of such a man would not be taken against the good name of any citizen. Will the court of public opinion decide that by the mere act of mounting the bench he becomes a man of truth and honor?

WALTER G. SMITH.

BAILIFF LEWIS OFFERS TO PACK A JURY FOR SMITH

Sworn Statement of A. W. Pearson, Business Manager of the Gazette Company.

ON THE 23d INST. Bailiff Oscar Lewis, of Judge Humphreys' court, proposed to the business manager of the Advertiser to pack the next petit jury, which may try the Smith indictment, in the interests of the defendant. If he would use his influence in securing a saloon license for said Lewis and get the latter's partner, Turk, appointed waterfront policeman. The following affidavit sets forth the details of this infamous proposition. They will serve to show the uses to which Humphreys' Bailiff Act may be put:

I, Arthur W. Pearson, of Honolulu, Territory of Hawaii, being duly sworn, do depose and say:

That I am, and since 1898 have been, the business manager of the Hawaiian Gazette Company, Limited, the publisher of the Pacific Commercial Advertiser newspaper.

That I know Oscar Lewis, recently appointed by Judge A. S. Humphreys to be bailiff of the First Circuit Court.

That on last Thursday, May the 23d, the said Oscar Lewis, accompanied by Turk, his former partner in the business of shipping sailors, called on me at my office.

That said call was not by appointment nor requested by me or on my behalf.

That said Lewis thereupon said to me that he had some information to give me "upon the dead quiet," and said:

"That Tom Fitch had told him that the officials, meaning Secretary Cooper and ex-Superintendent of Public Works McCandless, whose case was then pending before Judge Humphreys upon the charge of contempt, would be discharged by Humphreys next Tuesday on the grounds of hearsay evidence, but that said Judge would 'burn them up' in his decision."

That said Lewis then said to affiant in substance as follows:

In the matter of Smith (meaning thereby Walter G. Smith, editor of said Advertiser, against whom a charge of perjury is now pending in said Circuit Court) he will not be tried this term, but his case will go over until next term. As bailiff I will have the selecting of the jury which will sit next term. If you will give me a list of the names of the men whom you want selected for that jury I will see that they are called.

If I do this for you I want you to use your influence to get me a liquor saloon license to be located on Richards street below Queen street, which will have to be opened for the purpose. I already have an option on the location. I also want you to try and get my partner, Turk, appointed as waterfront policeman in place of Flint, the man who now has that position.

ARTHUR W. PEARSON.

Subscribed and sworn to before me this 26th day of May, 1901.

CHARLES F. PETERSON,

Notary Public, First Judicial Circuit, Territory of Hawaii.

HUMPHREYS RUNS AMUCK AGAINST LEADING LAWYERS

Sentences Hartwell, Kinney and Ballou to Jail for Thirty Days—Acting Gov. Cooper Immediately Pardons Them.

THE DAY in the First Circuit Court which does not record a grandstand play by the Judge thereof, is counted a blank in its calendar. Ordinary harrying and insulting language have given way to sensations, until sensations have palled on the palate of the personification of vanity who occupies the bench, and nothing short of explosions now suffice to round out the daily program.

Last Saturday was no exception to the rule; in fact, it witnessed the greatest explosion of the season, winding up with the sentence of A. S. Hartwell, W. A. Kinney and S. M. Ballou, three of the leading attorneys of the country, to jail, for contempt of court, without right of appeal, and their prompt pardon by the Acting Governor on the ground that the act of the judge was a rank violation and abuse of official power. The following is a general statement of how it came about, and what was done:

Walter G. Smith's case of alleged perjury was set for hearing at 10 o'clock. He appeared, with his counsel, A. S. Hartwell, W. A. Kinney and S. M. Ballou. Mr. Kinney inquired if Judge Humphreys intended to try the case. The judge asked why he asked the question. Mr. Kinney replied that if the judge was not going to sit he would do nothing; but if there was no assurance that the judge would not sit, he should make a motion opposing his sitting. The judge declined to say whether he would sit or not, whereupon Mr. Kinney presented a motion asking for a change of venue on the ground of prejudice and bias of the judge against the defendant, Walter G. Smith, supported by the affidavits of Walter G. Smith and J. H. Fisher. When the affidavit had been partially read the judge ordered Mr. Kinney to stop reading it, ordered the affidavit and motion stricken from the files, on the ground that it was insulting to himself, and ordered the three attorneys to appear at 9 o'clock and show cause why they should not be convicted of contempt of court.

At the hour named they appeared, each made written return under oath;

that the motion and affidavits were filed by them in the full belief that the judge was prejudiced against Mr. Smith to such an extent that it could not give him an impartial trial; that if such were the case, he was entitled to be tried before another judge; that this motion was the proper method of accomplishing such result, and that the motion must necessarily be accompanied by affidavits, which must necessarily state the facts on which the motion was based; that they believed that the protection of the rights of Mr. Smith, their client, required the presentation of the motion and affidavits, and that they had no other or ulterior object and intended no contempt.

The judge refused to accept the explanation, and stated that the affidavit of Mr. Smith was false in all but two or three particulars. One of the statements which he admitted to be true was that within three weeks past he had sent to Mr. Smith the following personal message by a reporter of the Advertiser, viz:

"I TAKE THIS OPPORTUNITY TO SEND WORD TO THE EDITOR OF THE ADVERTISER THAT I HAVE THE MOST PROFOUND CONTEMPT FOR HIM, AND FOR THE VICIOUS AND CRIMINAL POLICY WHICH HE IS PURSUING IN THIS COMMUNITY."

He thereupon sentenced each of the three attorneys to jail for thirty days. High Sheriff Brown immediately took the three attorneys to his office, where they remained until the mittimus were made out, at about 8:30. Within half an hour Acting Governor Cooper issued a full pardon to each, and they were released.

THE DETAILED PROCEEDINGS.

The following are the detailed proceedings of one of the most extraordinary days in the history of this or any other court.

Upon the opening of the court the following colloquy took place: Mr. Kinney—May it please the court, Judge Hartwell and our firm, Kinney, Ballou & McClanahan, appear for the defendant, and before the arraignment I should like to ask in an informal way of the court, whether the court intends to try this case.

The Court—Whether the court intends to try this case?

Mr. Kinney—Your honor intends to try the case?

The Court—Why do you make that inquiry?

Mr. Kinney—Because, if the court asks, I would state that if the court intends to—had intended or does intend to try the case, that then I would interpose a motion opposing it, but that I do not wish to interpose my motion if as a matter of fact the court itself has made up its mind not to try the case; it would be unnecessary and would in my judgment be improper for us to interpose the motion until there had been some intimation certainly that it was necessary.

The Court—it is impossible for the court to say now whether it will try this case or not. If, without avoiding any of its responsibilities this court can assign this case to Judge Gear for trial, it will do so; otherwise, it will hear the case.

You may make any motion which you deem proper; if it is a proper motion it will be considered; if it is an improper motion it will be treated as such.

The Court—Call Walter G. Smith to the bar.

Do you desire to interpose a motion, Mr. Kinney?

Mr. Kinney—Now I interpose a motion, which if it prevails, would prevent the arraignment of the prisoner before your honor.

The Court—Read the motion.

THE MOTION.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT, FOR THE TERRITORY OF HAWAII:

Territory of Hawaii vs. Walter G. Smith—Perjury. Suggestion of disqualification of Hon. A. S. Humphreys and motion to assign case to some other circuit judge.

Now comes Walter G. Smith, defendant in the above entitled cause, by his attorneys, A. S. Hartwell, and Kinney, Ballou & McClanahan, and suggests the disqualification of Hon. A. S. Humphreys, first judge of the Circuit Court of the First Circuit, in said cause, on account of bias and prejudice on the part of said judge against this defendant.

Wherefore, defendant moves that said cause be assigned for trial to some other presiding circuit judge. This motion is based upon the record and upon the affidavits herewith and made part hereof.

(Signed) WALTER G. SMITH.

By his attorneys, AS HARTWELL and KINNEY, BALLOU & MCCLANAHAN Honolulu, May 26, 1901.

THE AFFIDAVIT OF WALTER G. SMITH.

Following the reading of the motion, Mr. Kinney proceeded to read the following affidavit by Walter G. Smith:

EXHIBIT 2. AFFIDAVIT OF DEFENDANT IN SUPPORT OF SUGGESTION OF DISQUALIFICATION OF A. S. HUMPHREYS, JUDGE OF THE FIRST CIRCUIT COURT, AFORESAID.

Territory of Hawaii, Island of Oahu, ss.

Walter G. Smith, the defendant in the above entitled action, being duly sworn, deposes and says:

That he knows A. S. Humphreys, first judge of the Circuit Court of the First Judicial Circuit, Territory of Hawaii, having first made his acquaintance during the month of November in the year A. D. 1893, at which time affiant returned to the Territory of Hawaii, having been absent therefrom since the year 1894, when affiant was managing editor of the Star, having been managing editor of said paper when the same was organized and established, and continuing in the editorship of said paper until affiant's departure from the Hawaiian Islands in May, A. D. 1894;

That at the time affiant made the acquaintance of the said judge, he, the said judge, was practicing his profession of law in the city of Honolulu;

That affiant, upon his arrival here in the said year 1899, took charge of the Pacific Commercial Advertiser as editor, which position he has held ever since;

That affiant and said judge maintained friendly relations for some time after the acquaintance between them was formed as aforesaid, such friendly relations being largely social up to the early part of the year 1900;

That at that time sharp differences began to arise in the Republican party in Hawaii upon matters affecting party policy and party discipline;

That affiant, as well as the said judge, were Republicans and took opposing sides as to the differences aforesaid within their party, and that such opposing views between affiant and said judge led to a number of sharp discussions between them in which it became manifest and apparent to affiant that he and said judge were hopelessly drifting apart, politically speaking;

That during the month of April or May in the year 1900 said judge informed affiant that he was opposed to the policy of the Advertiser, and proposed to assist in establishing a newspaper in opposition to said Advertiser, and the policy and principles advocated in said newspaper under the editorship of affiant; and, during said months last above named, finally approached affiant and offered him the editorship of the proposed newspaper, and, in pressing said offer during said months, visited affiant very frequently, and made long stays with affiant at his office and elsewhere, and during these interviews said judge persistently urged said affiant to accept his proposition and laid before affiant in detail his political aspirations and plans;

That, during the pendency of said negotiations on the part of said judge to secure affiant's services as editor of his proposed paper, affiant continued in said Advertiser to steadily oppose the policy of said judge in political matters;

That, notwithstanding this, said judge persisted in his solicitation that affiant join political fortunes with him and take charge of a newspaper as aforesaid, and in this connection affiant says that said judge, in pressing his solicitations upon affiant as aforesaid, and in outlining his own political plans, laid bare to affiant many matters strictly personal to said judge, showing the unlimited ambitions of said judge, and an inordinate opinion of his own abilities and qualifications and generally, the personal weaknesses of said judge;

(At this point Judge Humphreys interrupted Mr. Kinney and ordered him to stop reading the affidavit. The remainder of the affidavit is as follows):

That affiant, while treating the solicitations aforesaid of the said judge with courtesy, as a matter of fact, had no confidence either in the solicitations of said judge, or in his ability to make good his plans for his own advancement or the advancement of affiant, and finally declined all the offers and propositions aforesaid but did so, as far as possible, in a way not to wound the feelings of said judge, or incur his personal enmity or ill will;

That after affiant refused the office aforesaid, said judge became quite cool in his personal conduct toward affiant although no open rupture occurred between them. Thereafter said judge did establish a newspaper called the Republican, which has ever since been published in the city of Honolulu and that said newspaper has, as affiant is informed and believes, been entirely under the control, direction and management of said judge, from its establishment to date. That in due time after the passage of the Organic Act, creating the Territory of Hawaii, said judge received his present appointment, and shortly thereafter, for reasons unknown to affiant, said judge again became very friendly in his conduct toward affiant, manifesting said friendliness by repeated visits to affiant in his office, and protestations of friendliness of one kind and another, and thereupon said judge proposed without the request or suggestion of affiant, to appoint affiant's brother a clerk of this court;

That thereupon, coupled with said offer, said judge made the direct suggestion to affiant that, in consideration of such appointment, he, affiant use his position in the Advertiser to further the political fortunes of said judge, and in this connection affiant says, that the exact words of said judge, in making the suggestion as aforesaid, were as follows: "You understand that this is a case of backscratching."

That affiant told said judge that he could not use the Advertiser to either reward affiant's friends or attack his enemies; whereupon the judge, waiting the point and said he was still ready to make the appointment, and thereupon became very friendly in his conduct toward affiant, manifesting said friendliness by repeated visits to affiant in his office, and protestations of friendliness of one kind and another, and thereupon said judge proposed without the request or suggestion of affiant, to appoint affiant's brother a clerk of this court;

That after said appointment the affiant varied in no particular the policy of said paper, nor did he abate in any degree whatever his opposition to the political policies favored by said judge, and that thereupon, and as affiant believes by reason of affiant's continuance in said cause, said judge cut off all friendly relations with affiant, and at the expiration of three months affiant's brother was summarily dismissed from his office as affiant verily believes, because the affiant failed to modify the policy of the Advertiser in its opposition to the plans and policies of said judge;

And affiant further states that, at the same time with the dismissal of his brother and the occurrence herein last referred to said judge cut off all personal relations with affiant whatsoever, his speaking, beginning to cease, and said judge began to show violent personal animosity against affiant, as evidenced by the attacks that were opened up against affiant in the editorial columns of the Judge's newspaper, the Republican aforesaid, and otherwise;

That for the period of six months past the said Republican has been dis-

tarily opposed to the Advertiser, and that said newspapers are politically opposed to each other and in open rivalry to each other in a business and political way, and the relations of the editorial and business managements of the respective papers aforesaid are very much strained;

That within three weeks afloat received a personal message from said Judge through a reporter of the Advertiser in effect as follows: "I take this opportunity to send word to the editor of the Advertiser that I have the most profound contempt for him and for the vicious and criminal policy which he is pursuing in this community."

That, as afloat is informed and believes, the said message was delivered by the said Judge in connection with a request, from a reporter of said Advertiser acting on the direction of said afloat, to ascertain how and under what circumstances certain licenses to practice law had been issued to a large number of members of the present Legislature;

That in its issue of the 22d instant, and after the arrest of afloat for perjury, the following article appeared in the editorial columns of said Republican, being aimed at afloat, as afloat charges and verily believes, and published with a view of prejudicing the merits of afloat's cause in this court, and of arousing public sentiment against him; and said afloat verily believes and charges that said article was inspired by said Judge for said purposes;

And afloat further states that, by reason of the premises and charges that he cannot secure at the hands of said Judge a fair and impartial trial of his cause herein, but that said Judge is hopelessly biased and prejudiced against afloat and is not capable of giving afloat, and will not give afloat, his right to a fair and impartial trial.

(Signed) WALTER G. SMITH.

Subscribed and sworn to before me this 25th day of May, 1901.

EDITORIAL IN THE REPUBLICAN ABOVE REFERRED TO.

"One of the basest crimes. The crime of perjury has for years been considered the most infamous that a man of education and refinement can be guilty of. There is something absolutely cold-blooded and deliberate about perjury that stamps it as beyond almost any other felony. There are palliating circumstances, of course, in almost all other felonies that the law takes cognizance of. A man may commit homicide in the heat of anger, or a man may turn out to be an embezzler, who in the handling of trust funds permits himself to be tempted to use such funds, intending to make them good at a subsequent date. In all such cases there may be extenuating circumstances, but there is no such excuse for the offender in a large degree of sympathy. But there is no such excuse for the perjurer. Perjury must be, and is, in the very nature of things, committed deliberately, with premeditation, and with cool calculation. The perjurer is the most debased of all creatures. He not only deliberately stamps himself as an outcast unworthy of belief, and of the company or countenance of honest men, but he stamps himself as a pariah who is ready at any time to sell honor, virtue, everything that he may gain by it. The enormity of the offense is shown by the laws providing penalties for the offense. Here in Hawaii the penalty is not more than twenty years imprisonment at the discretion of the court, a punishment ten times greater than provided for almost any other felony excepting murder."

THE AFFIDAVIT OF J. H. FISHER.

Territory of Hawaii, Island of Oahu, ss.

And now comes J. H. Fisher, and upon oath deposes and says:

That he is a stockholder and the treasurer of the Robert Grieve Publishing Co., Ltd., the owners and publishers of a newspaper called the Honolulu Republican, now being published in Honolulu;

That afloat, in his capacity as afloat, has the custody of the stock of the books of said company, and knows the ownership of the stock of the same;

That A. S. Humphreys, now Judge of the First Circuit Court of Hawaii, is a stockholder in said corporation, and is the owner of 35 shares;

That Mrs. Julia Afloat, the mother-in-law of said A. S. Humphreys, is the owner of 550 shares of the stock of said corporation;

That the said A. S. Humphreys holds the proxy of and votes the stock of the said Julia Afloat at all meetings of the said company;

That the shares of stock now held by the said A. S. Humphreys and Julia Afloat constitute the majority of the shares of the corporation and carry the control thereof; the number of shares of said corporation now being 1,000, and the number of shares owned by said A. S. Humphreys and said Julia Afloat amounting to 685;

That the said A. S. Humphreys, although not a director in said corporation, is practically in control of said company and the policy of said paper.

(Signed) J. H. FISHER.

Subscribed and sworn to before me this 25th day of May, A. D. 1901.

(Signed) GEO. L. BIGELOW, Notary Public.

THE INTERRUPTION.

From the point above indicated, where Judge Humphreys interrupted Mr. Kinney, the proceedings were as follows:

The Court—Now you can just stop reading that affidavit, right there, sir. Mr. Kinney—I desire to be heard upon that matter.

The Court—The court will not hear you any further upon that affidavit, sir, and you can stop right there.

Mr. Kinney—But I wish to be heard upon the right of the court to stop me from reading the affidavit.

The Court—The court will not permit you to read an insulting affidavit in this court.

Mr. Kinney—The court don't apprehend my point. I stop when the court tells me to stop. The court don't apprehend—

The Court—The court apprehends your motive, and you will not be permitted to read that affidavit, sir, in this court.

Mr. Kinney—I desire to be heard upon—

The Court—And the court has ruled that you will not be permitted to read that paper, sir.

Mr. Kinney—I bow to the ruling of the court, and ask to be heard upon that point.

The Court—And the court will not hear you upon that point.

Mr. Kinney—There, the court has apprehended my motion, and if the court denies it, I desire to enter an exception to the refusal of the court to allow me to continue the reading of this affidavit, and further, as an abuse of discretion on the part of the court. And also, to enter my exception to the ruling of the court denying me the right to be heard upon that question as an abuse of discretion on the part of the court.

The Court—The exception may be noted and the motion for a change of venue in this case from the personnel of the court is stricken from the files, and the attorneys who filed that motion are directed to appear before this court at 3 o'clock this day to show cause why they should not be punished for contempt.

Mr. Kinney—I note an exception, not to the appearance at 2 o'clock, but I do note an exception to the striking of this motion from the files and the evidence on the ground that it is an abuse of discretion on the part of the court, and a denial of the right of this defendant to be freely heard without intimidation on the part of the court on the question of the right of your honor to try him.

The Court—A man who insults and defames and belittles and besmirches the court very likely presumes that the court is prejudiced against him.

Mr. Ballou call Walter G. Smith to the bar.

Mr. Dole—If the court please, I do not wish to act hastily or without consideration, and would suggest to the court in order that neither the court nor the Attorney General may act hastily, that the arraignment be postponed until 2 o'clock.

The Court—Until 2 o'clock?

Mr. Dole—Yes, your honor.

The Court—The arraignment may be postponed until 2 o'clock. The arraignment is postponed solely on the request of the Attorney General. The court is ready to proceed with it, but solely on the request of the Attorney General the arraignment is postponed until 2 o'clock.

(To Mr. Smith)—You will appear at the bar of this court, sir, at 2 o'clock.

THE CONTEMPT PROCEEDINGS.

At 2 o'clock the courtroom was crowded, nearly all the members of the bar and many business men being present.

F. M. Hatch appeared for General Hartwell, and A. G. M. Robertson for Messrs. Kinney and Ballou.

The following written returns were filed by the three attorneys:

W. A. KINNEY'S RETURN.

SHOWING CAUSE WHY W. A. KINNEY WHY HE SHOULD NOT BE COMMITTED FOR CONTEMPT.

Now comes W. A. Kinney, in response to the order of the Honorable A. S. Humphreys, first Judge of the Circuit Court of the First Judicial Circuit, to show cause why he should not be committed for contempt for filing a suggestion of the disqualification of the Hon. A. S. Humphreys in the case of the Territory of Hawaii vs. Walter C. Smith for perjury, and affidavits therewith, and for showing of cause, says:

That he is an attorney at law duly licensed to practice in all courts of the Hawaiian Islands, and has been so since April 17, 1883; that he is at present a member of the firm of Kinney, Ballou & McClanahan, attorneys for Walter G. Smith in the case of the Territory of Hawaii vs. Walter G. Smith, indictment for perjury; that the affidavit of Walter G. Smith accompanying the suggestion of disqualification of the Honorable A. S. Humphreys in said case of the Territory of Hawaii vs. Walter G. Smith, was dictated by respondent on the morning of Saturday, May 25, A. D. 1901, in the presence of said Walter G. Smith and other counsel in the case, from information which had previously been furnished respondent by said Walter G. Smith;

That from said information so furnished respondent by Walter G. Smith, respondent deemed it his duty as an attorney at law acting in behalf of his client to make a suggestion of the disqualification of the Honorable A. S. Humphreys on the ground of bias and prejudice, and to present the same if said Honorable A. S. Humphreys did not of his own motion decline to hear said case, which opinion was concurred in by other counsel in the case, to wit: A. S. Hartwell and respondent's law partner, S. M. Ballou, and that, acting in good faith and in pursuance of his duty as an attorney, and from no improper or ulterior motive whatever, and believing that affidavits in support of a suggestion of disqualification for bias and prejudice, although necessarily reflecting most severely upon the Judge to which they were directed, were necessary in behalf of his client, respondent dictated the affidavit in support of said suggestion.

OBJECT OF THE AFFIDAVIT.

That respondent, in support of his suggestion of disqualification for bias and prejudice, relied upon the complete estrangement between said Hon. A. S. Humphreys and said defendant W. C. Smith, and the causes relating thereto, and that it was necessary, as an attorney afloat, that the affidavit show that said estrangement was due to some deeper cause than the refusal of said defendant to accept of an attorney afloat, and that the affidavit was a business proposition made by said Hon. A. S. Humphreys before his judicial appointment, to said Walter G. Smith, but that it was respondent's duty to show that said estrangement was from causes which would of necessity cause the bitter enmity between said Hon. A. S. Humphreys and said Walter G. Smith, to wit: The refusal of said Walter G. Smith to share in the said Hon. A. S. Humphreys' political aims and plans, after a full and complete disclosure of the same to said Walter G. Smith to the extent that said Walter G. Smith became the repository of all of said Hon. A. S. Humphreys' political hopes and aspirations, to a degree which involved in his refusal a repudiation, not only of Judge Humphreys' offer, but of Judge Humphreys, himself.

That said respondent in drafting said affidavit studiously avoided inserting therein any matters disparaging to said Honorable A. S. Humphreys, except such matters as respondent deemed absolutely essential for a proper

presentation of the causes of bias and prejudice sought to be shown; and respondent affirms particularly that while his client had communicated to him in connection with this matter the details of the political plans and aspirations as revealed by said Hon. A. S. Humphreys to said Walter G. Smith, this respondent refrained from including them in said affidavit because of his said determination to include nothing therein which he did not deem essential to the establishment of bias and prejudice on the part of said Hon. A. S. Humphreys toward said Walter G. Smith.

JUDGE DID NOT SAY HE WOULD NOT SIT.

Respondent did not file said motion, with the accompanying affidavits, in court until he had first ascertained by a direct question to the court whether the court would not of its own motion decline to hear the said case of the Territory of Hawaii vs. Walter G. Smith, and respondent alleges that he would not have filed said motion had the court of its own motion declined to hear said case.

And respondent specifically alleges that in preparing said affidavit and in filing the same with the accompanying motion, respondent was at all times acting in the interests of his client, and at no time did respondent intend any contempt of court, nor did respondent insert in said affidavit any matters and things disparaging to said Judge Humphreys except such matters and things as are inseparably connected with such a motion for disqualification on the grounds of bias and prejudice, and only such matters and things which respondent believed, in his capacity as attorney at law, were necessary for the support of his motion, and for the protection of the rights of his client.

Wherefore, this respondent prays that he may be hence dismissed.

Dated, Honolulu, May 25, A. D. 1901.

(Signed) W. A. KINNEY.

Honolulu, Oahu, Territory of Hawaii, ss.

W. A. Kinney, being first duly sworn, on oath, deposes and says:

That he is the respondent above named; that he has read the foregoing showing of cause and that all and singular the matters and things therein alleged are true.

Subscribed and sworn to before me this 25th day of May, A. D. 1901.

(Signed) P. D. KELLETT JR.

THE RETURN OF A. S. HARTWELL.

SHOWING CAUSE WHY A. S. HARTWELL WHY HE SHOULD NOT BE COMMITTED FOR CONTEMPT.

Now comes A. S. Hartwell, in response to the order of the Honorable A. S. Humphreys, first Judge of the Circuit Court of the First Judicial Circuit, to show cause why he should not be committed for contempt in filing a suggestion of disqualification of the Honorable A. S. Humphreys in the case of the Territory of Hawaii vs. W. G. Smith for perjury and motion to assign said cause to some other presiding Judge and affidavits therewith, and for showing of cause, says:

That he is an attorney-at-law, authorized to practice in all courts of the Hawaiian Islands, and has been such ever since the year of 1874. That respondent is one of the attorneys for Walter G. Smith in the case of the Territory of Hawaii vs. Walter G. Smith for perjury, and as such was present on Saturday morning, May 25th, A. D. 1901, during a portion of the time when W. A. Kinney was dictating in the presence of Walter G. Smith an affidavit in support of a suggestion of disqualification of the Honorable A. S. Humphreys on the ground of bias and prejudice and motion to assign said cause to some other Circuit Judge, and that the respondent is fully responsible for the filing of said motion and the affidavit in support thereof and intended thereby no contempt of the Honorable A. S. Humphreys, but believed and still believes that the matters and things in said motion and affidavit contained were such as might properly be inserted in a motion for disqualification on the grounds of bias and prejudice of the presiding Judge and were, in the opinion of this respondent, necessary for the maintenance of said motion and were approved by this respondent solely upon that ground and without any ulterior motive whatsoever.

NECESSARY FOR PROTECTION OF CLIENT.

And this respondent further says that he deemed the filing of said motion and affidavit necessary for the protection of the interests of his client in said cause of the Territory of Hawaii vs. W. G. Smith, and that respondent approved of the preparation and filing of said motion for that and no other reason, and respondent submits that such affidavit and motion made under such circumstances, are privileged.

Wherefore this respondent prays that he may be hence dismissed.

Dated Honolulu, May 25th, A. D. 1901.

Honolulu, Oahu, Territory of Hawaii, ss.

A. S. Hartwell, being first duly sworn, on oath deposes and says: That he is the respondent above named. That he has read the foregoing showing of cause and that all and singular the matters and things therein alleged are true.

Subscribed and sworn to before me this 25th day of May, A. D. 1901.

(Signed) HENRY SMITH, Chief Clerk Judiciary Department.

THE RETURN OF S. M. BALLOU.

Showing of Cause by S. M. Ballou why he should not be committed for contempt.

Now comes S. M. Ballou, in response to the order of the Honorable A. S. Humphreys, first Judge of the Circuit Court of the First Judicial Circuit, to show cause why he should not be committed for contempt for filing a suggestion of disqualification of the Honorable A. S. Humphreys in the case of the Territory of Hawaii vs. W. G. Smith for perjury and motion to assign said cause to some other presiding Judge and affidavits therewith, and for showing of cause, says:

That he is a member of the firm of Kinney, Ballou & McClanahan, attorneys for Walter G. Smith in the case of the Territory of Hawaii vs. W. G. Smith, indictment for perjury. That he is an attorney-at-law duly licensed to practice in all courts of the Hawaiian Islands and has been so since June 15, 1884. That E. B. McClanahan, the remaining member of the firm of Kinney, Ballou & McClanahan, attorneys of record for said Walter G. Smith, has been absent from the Hawaiian Islands for more than one month last past, and is now absent and has no connection whatever with the matters and things herein referred to.

That this respondent was present during the dictation of the greater portion of the affidavit of Walter G. Smith annexed to the suggestion of disqualification of the Honorable A. S. Humphreys, and that respondent personally drafted the suggestion of disqualification and motion to assign said cause to some other presiding Circuit Judge.

AFFIDAVIT PRIVILEGED MATTER.

That respondent approved of the affidavit of Walter G. Smith as dictated in the presence of said Walter G. Smith by respondent's law partner, W. A. Kinney, and believed said affidavit to be privileged matter and to contain nothing that was not in respondent's opinion necessary for establishing the fact of bias and prejudice in the part of the Honorable A. S. Humphreys toward said Walter G. Smith.

That this respondent in approving of said affidavit aforesaid and in drafting said suggestion and motion, had no intention of acting in contempt of the Circuit Court of the First Circuit or of the presiding Judge thereof, but believed the matters and things in said motion and affidavit contained to be necessary for the protection of the interests of his client, Walter G. Smith.

Wherefore this respondent prays that he may be hence dismissed.

Dated Honolulu, H. T., May 25th, A. D. 1901.

(Signed) S. M. BALLOU.

Honolulu, Oahu, Territory of Hawaii, ss.

S. M. Ballou, being first duly sworn, on oath deposes and says: That he is the respondent above named. That he has read the foregoing showing of cause and that all and singular the matters and things therein alleged are true.

Subscribed and sworn to before me this 25th day of May, A. D. 1901.

(Signed) P. D. KELLETT JR., Clerk.

THE PROCEEDINGS.

Upon the opening of court, Mr. Robertson asked for a few minutes to complete typewriting Mr. Kinney's return.

Judge Humphreys said: The Court is of opinion that where a contempt is committed in open court, and where the contempt is direct and wilful and flagrant, as it was in this case, that no written return is necessary. I shall not therefore require a written return to be made. The Court will, however, wait fifteen minutes to receive this return, and no longer.

(Here the court took a recess until 2:15.)

As soon as the returns were read Mr. Hatch addressed the court as follows: I ask leave of your Honor to change a date. It was inserted by inadvertence. A date when Judge Hartwell commenced to practice law, which is given here as September 30, 1888. He was then on the bench. It ought to be the year 1874.

The Court. I think that is immaterial, whether the date was 1874 or 1874 as far as this controversy is concerned. It may be amended.

THE STATUTE.

Mr. Hatch. The Act to organize the Judiciary Department, section 9, set out on page 458 of the Civil Laws, contains a provision for the change of venue of causes for the reasons shown here.

"Ninth. Any Circuit Court may, upon satisfactory proof that a fair and impartial trial cannot be had in any case pending in such court, and after the parties thereto shall have had opportunity to be heard, change the venue to some other Circuit Court, and order the record to be transferred thereto: Provided, however, that any Circuit Court may, in its discretion, upon consent of all the parties to any civil cause pending in such court, change the venue to some other Circuit Court, and order the records to be transferred thereto."

And, in the Penal Laws, section 67, at page 231, there is this provision:

"It shall be lawful for any court of record or Judge thereof at any time, of any criminal proceedings pending therein, to change the venue by law, local or not, to order that the venue be changed, and to direct that the trial be had in Honolulu or in some particular judicial circuit; in such cases and for such reasons as the justice of the case may require, and subject to such conditions as the court or Judge may, in its or his discretion, impose."

AFFIDAVIT WAS PROPER.

That I submit is statutory authority in the broadest terms authorizing the submission to a trial Judge of such a question as was presented. The change of venue which is authorized by law is not limited to a change of venue on account of prejudice in the community, or prejudice of the panel or prejudice of any particular juror summoned to try the cause, but it may be made for any reason the justice of the case may require. Now, we submit simply this, if your Honor please, and it is the position of Judge Hartwell that any cause which might be alleged as showing prejudice on the part of a juror, and for that reason disqualifying him from sitting as a fair and impartial juror, could, if the facts existed, be alleged, without disrespect and without contempt, of a Judge presiding at the trial.

And that it is equally the duty of counsel, if facts exist which, in their opinion, would tend to show prejudice on the part of the court, to allege it exactly as counsel would do if facts were within their knowledge which tended to show prejudice on the part of any trial juror impelled to try a cause. The duty of counsel to their client is a serious thing; it is an obligation which is deliberately assumed by every man when he is admitted to practice law before this court or any other court. The responsibility, of course, is with counsel as to what matters he is justified in alleging, what matters it is his duty to allege in protecting the interests of his client. It is a very unfortunate thing if, in the performance of that duty, as view differs from that of the court, but I submit that the duty of counsel is to his client, and that counsel would be unworthy of the confidence of the community if they

should hesitate to present to a court any matter which they think reasonably think—should be presented in order to obtain a ruling thereon, if deferred from a fear of consequences or by an idea that the matter presented would not meet with the favor of the court. That is an idea, which counsel should eliminate from his mind, and when counsel performs what he considers to be his duty to his client, I submit that his action is such as should not subject him to the animadversion of the court.

A PRIVILEGED COMMUNICATION.

A communication made to the court, an affidavit filed, has the highest privilege. If any document can have the character of a privileged communication it is an affidavit filed in the conduct of a cause at any period during the conduct of a cause in the interest of the client. It is only when some matter is presented, if it should be, which is not presented in the interest of the client, that the action would be open to criticism.

Now, we simply submit that it was the duty of counsel in this case to present to your Honor everything which the nature of the case demanded in connection with the question, the issue which was raised, and that in so presenting these matters were set up here, nothing was done which properly should subject counsel to criticism or to punishment, or should subject them to any indignity. That in brief is the position we take, and I do not care to elaborate upon it at all. I call your Honor's attention to the statute and to the duty of counsel, and submit that counsel were within their duty.

MR. ROBERTSON'S ARGUMENT.

It seems to me to be a self-evident proposition, that a fair and impartial trial not only requires an impartial jury, but also a Judge presiding over the trial who is absolutely free from any bias or prejudice toward the defendant on trial in any particular case.

It seems to me also under the statute here, and by the right of any person who honestly believes that the Judge presiding in the court in which he is to be arraigned—believes that that Judge is biased or prejudiced against him, and reports the fact to his counsel, it becomes the absolute duty of counsel to make the showing in a proper way in court, and to ask for a change of venue or the relegation of the trial of the cause to some other Judge, as was attempted in the motion which was filed in this case this morning.

As counsel has stated, if any communication, any writing, could be brought within the category of privileged matter, certainly such a proceeding of this kind would fall within that category. It goes without saying that a proceeding to show cause or prejudice on the part of the trial Judge toward the accused, must touch upon extremely delicate matters; and, when counsel, who was defending a person accused of crime, and in the course of a proceeding it came to counsel's attention that his duty to his client called for making such a showing, counsel would naturally hesitate and weigh carefully all the facts and circumstances in connection with the matter before laying the matter before the court.

Such appears to have been the intention of counsel in this case as shown by the proceedings this morning. Counsel asked your Honor as a preliminary question, whether your Honor intended to preside at the trial of the accused, against Mr. Smith, feeling that if it was not your Honor's intention to preside at that trial there would be no occasion for touching upon the matters which, as I say, were of a very delicate nature, and matters that counsel would not unnecessarily bring to the attention of the court. As I say, counsel asked the question of your Honor this morning evidently with that purpose and intent.

CIRCUMSTANCES SHOW NO CONTEMPT.

It seems to me almost impossible to imagine a case where counsel is relying on the point of bias of a presiding Judge toward his client, where, in making the showing of such bias in court, that matters would not have to be presented that, under different circumstances would very readily be recognized as a flagrant and decided contempt of court. The nature of the proceeding in my opinion has a great deal to do with the consideration of the question, and has a most important bearing upon it for that very reason. It would be decidedly and undoubtedly contempt of court for counsel to bring matters up, matters of the nature referred to in the affidavit filed this morning—I say it would be decidedly contemptuous to bring such matters up in a proceeding where they were not called for by virtue of the nature of the proceeding in which they filed.

DUTY OF COUNSEL.

No counsel can have any regard for his honor or his duty toward his client or to the public, who would hesitate to present to the court such a matter, if he honestly believed that the showing of it should afford a legal ground for a change of venue, or the calling in of some other Judge, and is simply a matter of good faith. I submit that no proper proceeding, properly brought into court and conducted by counsel, when it is done in absolute good faith, can properly be considered as a contempt of court. However mistaken the counsel may be in any particular matter—without admitting any mistake of judgment in this case—I say, however mistaken counsel may be in matter of discretion, and in the exercise of his judgment, unless it is apparent that what he says or what he does is done with disrespect and in contempt of your Honor on the bench, it cannot be properly construed as a contempt of court.

That is the position that counsel who are before the court take in this matter. Certain representations were made to them by their clients. In duty bound, and, as they looked at it, in the proper conduct of the trial and the proper protection of their client's interests, it was demanded that this point should be raised and presented to the court, and counsel relied upon their duty to their client, upon their duty to the court, and upon their duty to the community that they fearlessly and independently present to the court such a matter when brought to their attention, as it appears it was in the case of the Territory against Walter G. Smith.

This is not a question, if the court please, involving the truth or untruth of the allegations in Mr. Smith's affidavit. If, for instance, counsel in league with a defendant on trial, filed an affidavit setting forth matters tending to show bias on the part of the court, that are untrue, tending to show a conspiracy between the accused and his counsel to bring the court into disrespect, that is a proposition entirely different from the one before the court here. If, upon investigation, hearing, and showing, anything of that description should be developed, the position of counsel would be entirely different from what it is at the present time. As I say, the question before the court is not the truth or falsity of any statement contained in Walter G. Smith's affidavit, the question before your Honor now is, the good faith of counsel in filing an affidavit in their attempt to show what we earnestly believe a legal ground for a change of venue a legal objection to your Honor's presiding on the trial of that cause. That, as I understand it, is the position of counsel in this matter.

DEFENDANTS' STANDING AT THE BAR.

It seems to me that their standing at the bar, and their record, is enough to show that they are not men who treat lightly their privileges as members of the bar. They are not men who do not recognize and realize the dignity of the court and the honor and respect that the Judge of that court is entitled to; and in the absence of anything in the whole proceedings here to show disrespect, or in the lack of appreciation of the dignity of the court, it seems to me that the mere filing and presenting of the ground which we claim to be a legal and a valid ground, should not be properly construed as a contempt of court.

With these remarks I submit the matter in behalf of Mr. Kinney and Mr. Ballou.

JUDGE HUMPHREYS' DECISION.

Judge Humphreys immediately gave the following decision, orally:

The returns of the three respondents, A. S. Hartwell, W. A. Kinney and S. M. Ballou, set forth the fact that each of them are licensed attorneys-at-law. The license to practice law is a very valuable franchise. It gives the holder of the license a position and right to the exercise of the learned professions, and entitles him to, and he generally receives greater consideration at the hands of his fellow-citizens than is accorded to others. The license gives an attorney not only the right to practice law, but it is his duty to practice law, if he practices it at all, earnestly, enthusiastically and aggressively. Indeed, the highest motto of a lawyer might be, "I will die with my back to the field and my feet to the foe."

In another century, Lord Erskine, standing before one of the greatest common law Judges that ever presided in Westminster Hall, defied his Lordship, the Chief Justice then presiding, and when he retired from the bar some of the junior members of the profession approached Lord Erskine and said to him: "How was it that you could dare look Mansfield in the face, standing as you were at the bar an unknown advocate, and defy him?" And to that Lord Erskine replied: "I did it, sirs, because I felt my little children tugging at my coat-tails begging me to get them bread." It was that noble independence of spirit and that courage which characterized Erskine, and which caused his praises to be sounded throughout the realm of Great Britain, which has come down to us through the decades.

But, while members of the bar should be fearless and courageous and independent in the discharge of their duties they should always bear in mind at all times that their license to practice law does not give them the right to libel or to slander or to malign the court before which they practice; nor to file in a court wherein they practice a paper, the manifest tendency of which is to obstruct and impede and embarrass the administration of justice, and to bring it into ridicule and into contempt.

Now, what are the facts of this case? It appears that heretofore the Grand Jury, duly summoned, empaneled, examined and sworn, returned an indictment against one Walter G. Smith, charging him with the crime of perjury. Upon that indictment a bench warrant was issued, Smith arrested and brought to the bar of this court. Arraignment was set for today, General Hartwell at that time appearing for the defendant Smith, no objection being interposed to the personnel of the court, no objection being made to the time set for the arraignment of the defendant Smith. At the hour of 10 o'clock this morning, that being the hour set by the decree of the court, Mr. W. A. Kinney, of

SOLONS DO LITTLE Senate Works and House Does Nothing.

The House again accomplished nothing beyond a few personal exchanges between the members. The first member to take up the floor was Makafinal, who defended the Accounts Committee.

"Mr. Emmeluth," said he, "asked me on Saturday for a complete report of the House expenditures. I have not had the necessary time to write out a report, so must ask your leave to present a verbal one. Mr. Emmeluth has several times, during both this and the late regular session, objected to the extravagant expenditures of the House. Now, as a matter of course, the Printing Committee heads the list with the Molokai Committee expenses second, but third, and hundreds of dollars ahead of the remaining committees, with an expenditure of \$1,000, comes Mr. Emmeluth's own Committee on Finance. It has not been paid by the House. My business is to prove warrants and bills, that is all and some of the largest bills which we have approved came from Mr. Emmeluth's committee."

"I am willing," said Emmeluth, "that every item on the bill of the Finance Committee be inspected. I am not ashamed of it. Every bill contracted by us is legitimate, but what I do claim is the fact that some bills paid were not legitimate, and it is the right of the House to know about the current expenses of the session."

Representing the Finance Committee, Emmeluth then offered a portion of the revised salary pay roll, but the report was declared to be out of order by the chair, upon Robertson's suggestion that Emmeluth had overstepped the bounds laid down for them in attempting to fix the salaries of the judicial portion of the Territorial Government.

Kaniho then introduced the following resolution, asking for its adoption in the name of suffering humanity:

Whereas, it is a common rumor in this city in reference to the treatment of sick people in the Victoria Hospital, that they are housed in low, filthy apartments, and one is thereby made to suffer more than necessary; therefore be it

Resolved, that a committee of five members be appointed from this House to go and investigate the condition of the Victoria Hospital and report to this House.

H. M. KANIHO. Makekau wanted to "know you know," and said that he had never heard of the place.

Emmeluth stated that the hospital was under the direction of certain members of the Anglican Church, and that it was a charitable institution in the broadest sense of the word. No one went there unwillingly, and no one was ever forced to remain there. The Victoria Hospital was primarily for the use of consumptives, and has never received patients from the Queen's Hospital, as has been stated. If the House wishes to take an active interest in this matter, let it devote funds for the erection of a consumptive hospital, and not waste time in criticizing a private institution that is supported by the individual charities of those who are only able to contribute a limited amount. The resolution was then tabled.

Monsarrat then came forward with a resolution that created a tempest in a teapot.

Resolved, that this House adjourn in order to give the remaining members time in which to file their applications to practice law.

J. MONSARRAT. Emmeluth claimed that the House had no right to ridicule or insult any branch of the Government.

Mahoe also claimed that it was out of order, to which Monsarrat retorted that Mahoe's petition to repeal the Federal quarantine law was equally out of order.

Emmeluth then moved that the resolution be rejected, as there was already enough discord between the three branches of the Government without adding present fuel to the ill-feeling, and Haabee wanted to get rid of it by throwing it out of the window.

Bad feeling was running high, and Monsarrat discreetly withdrew his resolution, whereupon, through the quiet procedure of Akima, the House adjourned until today.

This is Kamulale's wedding morn, and it is an open secret that a surprise from the members of the Legislature will greet the honorable Representative upon his taking his seat this morning.

SENATE REFERS MATTERS.

Many Appropriations Go to Committees for Report.

The Senate did not waste much time at their yesterday's session, the most of the time being taken up in reading a report from the majority of the Committee on Public Health, which was presented by Senator Achi, in part as follows:

Salary of president of Board of Health, \$7,000. As there is no provision made by the Legislature creating the office as a salaried position, we recommend that the item be stricken out.

The salary of executive officer, \$5,000, and salary for purchasing agent, \$4,000, were recommended by the committee to be combined at a salary of \$9,000.

The salary of secretary, \$1,000; salary of city sanitary officer, \$1,000; salary of food commissioner, and analyst, \$4,000, were recommended by the committee to remain in the bill.

All the items relating to the salaries of physicians in the different districts were recommended to be passed as in the bill, with the following exceptions:

Physicians at Koloa and Lihue, Kauai, \$1,000 each, to be combined at a salary of \$2,000.

there which will give the physician an ample practice to make a good living. Molokai, \$1,400, to be increased to \$2,400, as the board states it could not get anyone to take the place at the former salary.

The physicians at Lahaina, Maui, \$2,160, to be reduced to \$1,800; Kihui, Maui, \$1,800, to be reduced to \$1,400; North Hilo, Hawaii, \$1,800, to be reduced to \$1,400; Hilo, Hawaii, \$1,200, to be changed to Hilo and Olaa, Hawaii, \$1,800; South Kona, Hawaii, \$1,560, to be changed to \$1,400; North Kona, Hawaii, \$1,560, to be changed to \$1,400.

The salary of bacteriologist and pathologist, \$4,800, was recommended to pass as in the bill.

Meat inspector and veterinary, \$4,800, on recommendation by the board, was reduced to \$4,200.

Veterinary surgeon, \$1,200; registrar of deaths, etc., \$2,400, to be passed as in the bill.

Three inspectors, at \$2,400 (\$7,200), was changed to \$2,160 (\$6,480).

Three inspectors, at \$1,920 (\$5,760), was recommended to pass as in the bill.

The salaries of milk, fish and assistant fish inspectors, were recommended to pass as in the bill.

The office of assistant clerk, \$1,200; janitor and messenger, \$720, were combined at a salary of \$1,800.

The salaries of stenographer, morgue attendant, and officers for registered women, were recommended to pass as in the bill.

The item of non-leprosy children, etc., \$2,400, was recommended to pass as in the bill.

The salary of superintendent of sewers, \$3,000, and inspector of plumbing, \$3,600, were combined at a salary of \$6,600, and assistant of sewers, \$3,000, \$4,200, and assistant of sewers, \$3,000, were recommended to pass as in the bill.

Removal of garbage, \$24,240, was reduced to \$18,540.

Operating excavator, \$45,000, was recommended to pass as in the bill; segregation of lepers, \$62,400, recommended the item pass at \$60,720; maintenance of hospital, \$4,200, to be reduced to \$3,540; superintendent and assistants of insane asylum, \$30,888, was recommended to pass at \$28,584.

Hoping the Senate will approve the above report, respectfully submitted, W. C. ACHI.

I do not concur. N. RUSSELL. After the reading of the report, Senator Carter moved the report be accepted, in order to bring the matter before the House, as he had an amendment that he wanted to make to the report.

Senator Achi moved the report be tabled, to be taken up and considered with the Appropriation bill, which was adopted.

There being no further reports, the Appropriation bill was taken up under the head of unfinished business.

All the items under the head of Commission of Public Instruction, were upon a motion made by Senator "Oily Bill," referred to the Committee on Public Health and Education.

On motion of Senator Crabbe, the following items under the head of Commission of Public Lands, were passed as in the bill:

Incidentals (including land patent books, etc.) \$5,250

Preliminary roads and trails 7,000

Expenses filing boundary certificates 300

All the items under the head of Commission of Agriculture and Forestry, were, upon a motion made by Senator Crabbe, referred to the Committee on Agriculture and Forestry.

All items under the head of Survey Department were referred to the Committee of Public Lands, on a motion made by Senator Kalkapukalani.

The general expenses, support of non-leprosy children of lepers, support of hospitals, etc., under the head of Board of Health, was next taken up.

Senator Achi moved they proceed item by item as the committee having in charge the other items under the Board of Health, had investigated this department also, and were therefore ready to furnish the House with a full report of each item. This, however, did not satisfy "Oily Bill," who seemed to be in a hurry to get out of the building, and moved this department be referred to the Committee on Public Health, with instruction to furnish a written report on the matter. The motion carried.

All the items under the head of military band and expenses incurred over appropriation for year ending December 31, 1900, were upon a motion made by Senator Crabbe referred to the Committee on Military.

Under the head of auditing department, the item of incidentals and traveling expenses, \$5,000, was passed as in the bill.

The action on the balance of the bill which refers to its administrative features, was delayed until the appropriation items had been acted on.

Senator Achi presented the following resolution, which was adopted:

"Resolved, That the Attorney-General is humbly requested to inform this House whether we can appropriate money to aid the Queen's Hospital of Institutions or not."

"Oily Bill" then moved to adjourn until 2 o'clock Wednesday afternoon, which carried. The Senate adjourned at 3 p. m.

ELEVEN CADETS SUFFER.

Direct Result of Recent Disorders at the Military Academy.

WASHINGTON, May 21.—Secretary Root has approved the action of the board of officers at West Point which recommended the dismissal of five cadets and the suspension of six others. This sustains the course of Col. Mills and the other officers in the recent disturbances at the academy. The names of the cadets will be posted at West Point tomorrow.

Mrs. Gage's Funeral.

CHICAGO, May 21.—The remains of Mrs. Lyman J. Gage arrived from Washington early today accompanied by Secretary Gage, his daughter, Mrs. Pierce, Mrs. Gage's sister, Mrs. Hendon, of Tonkara, N. Y., D. H. Burnham and Rev. N. D. Hills, who officiated at the funeral services in Washington yesterday, and who will conduct the rites at the grave in Rosehill cemetery tomorrow. The body was temporarily placed in the receiving vault at Rosehill. The services tomorrow will be strictly private.

American Jockey Wins.

LONDON, May 21.—At the York spring meeting today the Stanley stakes were won by Sobremus, ridden by Lester Reiff. Jenkins had the mount on Oxbridge, which came in second.

MACHINISTS ON STRIKE Thousands of Men Want Shorter Hours.

WASHINGTON, May 21.—The storm centers of the general strike of machinists, throughout the country today are in the vicinity of Cincinnati, Ohio, and on the Pacific Coast. The number of firms that have signed agreements, augmented today by about a hundred, which brings the aggregate of thousands making the aggregate of 1,000, in round numbers, during the past three or four days. Save in one or two instances, as at Scranton, the allied trades have not yet been affected. It is claimed at the general headquarters of the machinists, however, that where agreements are not effected by this afternoon or tomorrow morning, many men in the allied trades will go out in the individual shops where the machinists already are out. The estimate of President O'Connell, of the National Association of Machinists, as to the number of strikers to day, reports approximately the same figure given yesterday, 50,000. The executive board is in session here watching the progress of the strike.

President O'Connell said this morning: "The reports from all sections are very favorable. The indications are that the great majority of firms will have reached agreements with the men today or tomorrow. The dispatches coming in from various cities indicate that conferences will be held today with a large number of firms. Many men who were working yesterday went out today. The additions made last night and this morning to the list of strikers and the number that will return to work this morning with their demands granted will about balance each other."

Today's reports show that only three railroads in the United States are now affected by the strike, namely, the Central Vermont, Lehigh Valley and Delaware and Lackawanna, and Western. The situation according to reports received today at headquarters is summarized as follows:

Practically all the trouble between Kansas City and the Pacific Coast has been adjusted. At Kansas City about 600 men are out; but a few small firms have signed the agreements.

San Francisco reports an almost complete tie-up. About 6,000 men have struck. Agreements have been reached there, however, with eleven firms outside of the Union and Edison iron plants and the Fulton Shipbuilding Company.

At Seattle 700 men have struck. There are 500 strikers at Tacoma. The trouble has been adjusted at most of the other Pacific Coast points.

At New York about 2,500 men have struck. A settlement has been reached with the remainder which involves about 50 per cent of the firms. In Chicago all but several of the small shops have adjusted matters. About 2,000 men are out in Boston. Many men are out in the cities of Cincinnati, Hamilton, Dayton and Alliance. In Cincinnati a dozen firms have made the "concession" since Saturday and about 3,000 men are out.

Alliance reports a complete tie-up, with 500 men striking. Only a few men are out in Cleveland, practically a general settlement having been effected there. All the firms in Columbus, Ohio, and Chicago Heights, Ill., have made agreements.

Favorable reports come from the South. All the establishments employing machinists in Norfolk, Va., have signed agreements. Of the establishments in Wilmington, Del., four firms have signed agreements, leaving about half of the original strikers out. There is a complete tie-up reported at Newburgh, N. Y., all of the 300 machinists being out, while all of the men at the Brooks locomotive works at Danbury, N. Y., have struck. The Naugatuck Valley in Connecticut is generally adjusted.

All are out at Bridgeport, Derby, Ansonia, Watertown, Stamford and New Britain, but all the firms in Danbury have signed agreements. In New Britain eleven firms signed yesterday, but 600 men still are out. About 500 are out at Springfield, Mass. In Philadelphia about half of the firms have reached agreements, leaving 2,500 men approximately still out. All are striking at Elgin, Ill. At Syracuse, N. Y., twelve establishments have conceded the demands.

NEW YORK, May 21.—At the headquarters of District No. 15, International Association of Machinists, it was said today that only two firms of any importance in this city have refused to grant the request of the machinists for a nine-hour day. The two firms are the Erie Printing Press Company, employing 700 machinists, and the Garvin Machine Company, where 500 men went on strike yesterday.

CINCINNATI, May 21.—About 300 machinists who struck yesterday returned to work today in the smaller shops which have agreed to the demands of the men. In a few of the shops which signed the agreement, the men are still out because the employers insisted on conditions not recognized by the machinists. There are now fifteen or sixteen shops where machinists are at work and two more shops signed the agreement today. The machinists who have struck are rapidly organizing their fellow workers who struck with them into the various unions to which they are eligible. The leaders are well satisfied with the outlook. A mass meeting was held this morning and speeches of encouragement were made.

DUNKIRK, N. Y., May 21.—Seven hundred machinists employed in the Brooks Locomotive Works struck today for a nine-hour day and 12 1/2 per cent increase in pay. All other departments of the shop are running, but the strike of the machinists will close the works if an agreement is not soon reached.

CLEVELAND, Ohio, May 21.—According to information given out at the local headquarters of the machinists, as of yesterday, there are 250 men and on strike in this city today. It is said that about 1,200 members of the Union have been granted a 9-hour working-day and the 12 1/2 per cent increase in wages demanded.

ST. LOUIS, May 21.—By the unanimous vote of workmen employed in St. Louis planing mills, it has been decided to call a general strike unless the union's demand for a nine-hour working-day is complied with before Wednesday morning. A strike would involve between 1,200 and 1,400 workmen and would affect interests not directly concerned in the controversy.

HUMPHREYS RUNS AMUCK AGAINST LEADING LAWYERS

(Continued from Page 6.)

He then proceeded to read the affidavit down to the point where the court will itself stop.

Judge Humphreys thereupon read that portion of Mr. Smith's affidavit previously read by Mr. Kinney, and printed above.

HUMPHREYS DENOUNCES SMITH.

Proceeding, Judge Humphreys said: When this point was reached the court instructed counsel to desist from reading this affidavit any further; the court then and now believing it to be a malicious attempt to edit the records of this court by the defendant Smith, assisted, aided and abetted by his counsel in the case.

The court will now say that during the noon recess it has read the entire affidavit, the affidavit in its entirety as filed by the defendant Smith, and that each and every statement in said affidavit is wholly, unconditionally and unqualifiedly false, slanderous and malicious with the exceptions which the court will now designate:

That this court did offer to the affiant the editorship of a paper in which this court—the Judge of this court, was then and is now interested. That offer was made prior to the appointment of the Judge of this court to the position which he now holds. That offer was repeated. The offer was made on two occasions to the affiant Smith of the editorship of the Honolulu Republican, a paper in which the Judge of this court is a stockholder.

The Judge of this court never at any time prior to his appointment to the bench or since said one word to Walter G. Smith about his political ambitions or his private aims, nor did the Judge of this court ever at any time enjoy any social or intimate relations of any sort with Walter G. Smith.

ADMITS MESSAGE TO SMITH.

The other statement in the affidavit which is true, and which I have not read but which appears in the affidavit, is the statement that the Judge of this court sent the affiant, Walter G. Smith, the following message within the past three weeks: "I TAKE THIS OPPORTUNITY TO SEND WORD TO THE EDITOR OF THE ADVERTISER THAT I HAVE THE MOST PROFOUND CONTEMPT FOR HIM AND FOR THE VICIOUS AND CRIMINAL POLICY WHICH HE IS PURSUING IN THIS COMMUNITY."

That statement was made by the Judge of this court to a reporter of the paper of which the affiant is the editor.

The statement of the affiant with reference to the brother of affiant, Fred. Smith, who was formally clerk of this court, is true in only one instance. It is true to this extent, that Walter G. Smith approached the Judge of this court, and inquired of him if there was a vacancy in the clerk's office of the court. He and the court that the brother of Walter G. Smith was an expert stenographer, and the court that the brother of Walter G. Smith was a stenographer, and as there was a vacancy in the clerk's office, the salary only being twenty-five dollars a month, and it being represented to the Judge that he could not only do so, cure a clerk but a stenographer for that sum, and deeming it wise to do so, the Judge did offer that position to Mr. Smith's brother, and Mr. Smith's brother came from New York and assumed to fill the position. When he arrived here it was found that he had no qualifications as a stenographer. And, while he was very many pleasing qualifications, and being a young gentleman of excellent character, he was unfit for the position of acting as stenographer in the court. He was not a stenographer, and as an Associate Justice of this Territory, it was the duty of the Chief Justice to see that he was not a stenographer, and that was done. The statement of this affiant that he was removed summarily and without cause is an absolute, unqualified and unconditional falsehood, and is consistent with the other libelous, slanderous and false statements made in this affidavit, and is utterly inconsistent with the truth, and with the facts in the case.

There was never any understanding that the Judge of the court should be rewarded or that he should not be punished when this appointment was given to the brother of affiant. With the exceptions detailed by this court with reference to the offering of the position of editor of the Republican to the affiant, and with reference to the message that the Judge of this court sent to Smith, and with reference to the appointment of his brother as clerk of this court, the affidavit is an utter falsehood and a malicious slander, and was intended to be such, in the judgment of this court, and was intended to bring into this court such and into this case matters of politics and extraneous matters which have no place in the records of the court, and this court will not permit them to be made records of this court.

THE JUDGMENT OF THE COURT.

The judgment of the court is that the respondents have utterly failed to show cause; that they have abused their privilege as advocates of this court, and that in the most reprehensible manner they have been parties to obstructing and impeding and embarrassing the administration of justice.

The judgment of this court is that A. S. Hartwell be and is hereby ordered to be imprisoned in jail for the period of thirty days; that W. A. Kinney be and is hereby ordered to be imprisoned in jail for the period of thirty days; that S. M. Ballou be and is hereby ordered to be imprisoned in jail for the period of thirty days, and as for an open, direct and flagrant contempt of this court, calculated to impede, obstruct and embarrass it in the due administration of justice. Mr. High Sheriff, you will take charge of these three gentlemen and hold them until the mittimus reaches your hands.

THE PARDONS.

The pardons are identical in form, and are in favor of Alfred S. Hartwell, William A. Kinney and Sidney M. Ballou.

The following is the form of the pardon:

GENERAL PARDON.

I, HENRY E. COOPER, Acting Governor of the Territory of Hawaii, Moved by just cause made known to me, do hereby in accordance with the power in me vested grant unto

SIDNEY M. BALLOU.

who was on the 25th day of May, A. D. 1901, adjudged guilty of contempt of court by the First Judge of the Circuit Court of the First Judicial Circuit and ordered to be imprisoned for the period of thirty days from said 25th day of May, a full and free pardon.

(Said to be true whereof, I have hereunto set my hand and caused the seal of the Territory of Hawaii to be affixed at the Capitol in Honolulu, this 25th day of May, A. D. 1901.

(Signed) HENRY E. COOPER.

THURSTON CASE IS DEFERRED

The H. A. Thurston contempt case went over in the Supreme Court yesterday morning. This conclusion was reached by Chief Justice Frear, who desired the extra time for the completion of work by the court. The chief justice was on the bench when court opened, Judge Hartwell and Mr. Ballou appearing for the order of contempt.

The chief justice said on opening the matter:

"On account of certain important matters demanding the early attention of the Supreme Court, I desire that this case go over until Wednesday morning, providing there is no serious objection on the part of counsel."

Thompson stated that his side had no objection to the postponement.

Judge Hartwell addressed the court, and said that on the day when the petitioner was sentenced to imprisonment, and while waiting in the court-house for the mittimus, he went with his counsel to the chief justice's chambers, and stated the points on which the habeas corpus could be sued.

He stated, namely, the illegality of the Grand Jury, as well as the confidentiality of communication from the confidential counsel, and urged that a special term of the Supreme Court be ordered in order that the full court might hear and decide matters of such great importance; that the chief justice gave counsel for the petitioner an opportunity to present this request to the associate justices who came into the chief justice's chambers to hear them, and, after some consideration by the chief justice and his associate counsel were informed that the full court would not sit in the case, but that the matter would have to come before the chief justice alone.

Mr. Ballou, of counsel, said that the petitioner was ready to proceed, and he hoped that the case would be heard at once.

Attorney General Dole said, in reply:

"I wish to say that under ordinary circumstances it would be my duty as Attorney General to represent the order of the lower court in this matter. Under existing circumstances, however, I feel it my duty to decline to take part. It is my idea, and it is only in justice to the lower court, that both sides of this case be represented by men wholly unbiased by recent circumstances and events, and the sympathies that may have been affected by those events. For that reason I have asked Mr. Thompson to represent the order in this matter, and I may add that in Mr. Thompson the order has represented."

tation that should give satisfaction to all concerned."

Judge Hartwell said that he appreciated what the Attorney General had said, and of course, had nothing to say against the Attorney General for having counsel associated with him whom he thought fit, but that he did not consider this a case of sympathy, not a question of law of the utmost importance, in which no person not set of persons in this community would be considered for one moment. He therefore regretted that the Attorney General did not intend to appear, and present his views upon the subject, and that he saw no reason why he should not do so.

Mr. Dole said he had used the word "sympathy" inadvertently, and he had only to say in conclusion that the events of the past few days had impressed him in such a way that in the forum of his conscience he could find no excuse for, and no justification of his appearance in the court.

Chief Justice Frear announced that the case would be continued. Wednesday morning, as Judge Galbraith was going to Hilo on Tuesday, and it was necessary that the judges of the Supreme Court have opportunity to conclude some pending discussions before Judge Galbraith's departure.

Military Postal.

WASHINGTON, May 21.—The Postoffice Department today cabled instructions to China directing all its representatives in the military postal service there to leave on the first available transport. H. M. Robert, of Atlanta, superintendent of the service there, has been assigned to duty in the Philippines, but all the others will return to the points whence they were assigned to China. This marks the close of the United States military postal service in China.

Deplores Incident.

LONDON, May 21.—The Government was questioned in the House of Commons on the subject of the Ewe incident at Tien-Tsin, when the Chinese on board that vessel were fatally shot by Germans guarding a bridge after the tug had fouled it. Under Foreign Secretary, Lord Cranborne, in reply, said Field Marshal von Waldersee had expressed regret and had promised to take measures to prevent the recurrence of similar incidents.

For Olympian Games.

CHICAGO, May 21.—A dispatch was received from Paris today stating that Chicago had been selected as the place for the Olympian games in 1904.

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DREARY DAY IN SENATE

Wrangle Over the Appropriation Items.

Saturday's session of the Senate was one of the busiest held during the extra session. The Independent members who, heretofore had shown unwillingness to refer any items in dispute to committee, tumbled into the committee "band wagon" and referred nearly all the items considered to the different committees. They did not stop at mere single items, but referred the items of whole departments in a lump, and without any wrangling.

On account of the absence of the chaplain, Senator Kalanokalani offered the prayer, following which the Appropriation bill was attacked. The salaries of normal inspectors at \$2,000 each, were the first items considered. Progress on the bill was stayed for an hour, while the members indulged in their usual outpour of "hot air."

Senator Russell, who was on the committee that recommended the item, said that each of the inspectors had to pay as much as \$50 per month for traveling expenses, and therefore he did not think their pay should be reduced.

Senator J. T. Brown, he of the generous proportions, did not want any inspectors at all.

"What are they good for? Nothing," was his argument. If any inspectors were needed at all, he said one could do the work. During the past year he had only seen the Hawaiian normal inspector once, and therefore thought the salary paid him was too large for the amount of work he was doing.

Senator Paris said he had seen the gentleman referred to, twice. Two trips during the year would occupy two months. "What is he doing the other ten months?" asked J. T. Brown. "In my opinion," he concluded, "paying these men the large salaries they receive is like making them a present of so much, for they don't have anything to do."

"I have been in Hilo three years," retorted Senator Russell, "and during that time have not even sighted him. Is there any reason why he adds the worthy Senator (J. Brown) was idle? No. In my mind such talk as is indulged in by Mr. J. Brown is childish."

Senator Carter then introduced an amendment to the effect of striking out the normal inspectors for Hawaii, and arranging for three other inspectors—one for Kauai and Oahu, outside of Honolulu, at \$4,000; one for Maui, Molokai and Lanai, at the same amount, and one for Honolulu at \$5,000. The amendment received no second.

After a great deal more of repetition and talk by a few of the members, the item passed as in the bill.

The item of pay roll, support of schools, \$200,000, which was recommended by the committee having it in charge, that it pass as in the bill, was passed without any objection.

The item of salaries of school agents \$24,000, passed as in the bill.

The salary of superintendent of the boys' school, was reduced from \$3,600 to \$3,200, on the recommendation of the committee having it in charge.

Senator Carter wanted to introduce an item of salary of physicians for Reform School, \$600, but it was decided to consider such items under the head of Public Health Department.

It was at this juncture that the standstill occurred, which resulted in nearly all of the balance of the items in the bill being referred to the committee.

All the items under the head of agriculture and forestry reports were referred to the Public Lands Committee. All items under the Survey Department went to the same committee.

The items alluded to are as follows:

COMMISSION OF AGRICULTURE AND FORESTRY.

Pay of Commissioner \$ 7,200.00
Pay of Entomologist 4,000.00
Pay of Chief Forester 3,600.00
Pay of Gardener 2,000.00
Pay of Forester 2,000.00
Expert Forester 1,800.00

Laborers, Makiki and Nuuanu 6,400.00
1 Laborer, Tantalus 538.00
1 Laborer, Tantalus (new) 432.00
Laborers in Nurseries 1,286.00
3 Laborers 538.00

Forests and Nurseries, General
Pay of Stenographer and Typewriter 1,200.00
Pay of Office Boy and Messenger 720.00
Pay of Wagon Driver 528.00

Parks and Squares—
Pay Roll, Makiki and River Parks (new) 2,040.00
Pay Roll, Thomas and Emma Squares 2,040.00

\$ 26,672.00

SURVEY DEPARTMENT.

Salary of Surveyor \$ 5,000.00
Salary of Chief Assistant 5,400.00
Salary of First Assistant 4,800.00
Salary of Second Assistant 4,200.00
Salary of Third Assistant 3,600.00
Salary of Messenger 1,200.00

\$ 23,200.00

All items under the head of Board of Health Department were referred to the Committee on Public Health and Education and are as follows:

BOARD OF HEALTH
Salary of President of Board of Health 7,200.00
Salary of Executive Officer 5,400.00
Salary of Secretary 4,000.00
Salary of City Sanitary Officer 4,200.00
Salary of Food Commissioner and Analyst 4,200.00
Pay of Government Physician 4,200.00

Wailuku, Oahu	1,200.00
Koolaupeke and Koolauloa	1,440.00
Holokai	1,440.00
Lahaina, Maui	2,100.00
Wailuku, Maui	2,400.00
Kihuli, Maui	1,800.00
Makawao, Maui	1,440.00
Hana, Maui	2,100.00
Kohala, Hawaii	1,200.00
Hanalei, Hawaii	1,440.00
North Hilo, Hawaii	1,800.00
Hilo, Hawaii	1,200.00
Puna, Hawaii	1,800.00
Kala, Hawaii	1,440.00
South Kona, Hawaii	1,500.00
North Kona, Hawaii	1,500.00
Pay Roll, General Expenses—	
Bacteriologist and Pathologist	4,800.00
Meat Inspector and Veterinary	4,800.00
Registrar Deaths, etc.	2,400.00
3 Sanitary Inspectors at \$2,400.	7,200.00
3 Sanitary Inspectors at \$1,800.	5,400.00
Milk Inspector	1,800.00
Fish Inspector	1,440.00
Assistant Fish Inspector	900.00
Stockman	1,080.00
Assistant Clerk	1,200.00
Stenographer	1,200.00
Morgue Attendant	1,200.00
Janitor and Messenger	720.00
Office for Registered Women	900.00
Purchasing Agent	4,000.00
Non-leprosy Children	2,400.00
Inspector of Plumbing	2,400.00
Assistant Inspector of Plumbing	2,400.00
Operating Excavator	45,000.00
Segregation of Lepers	62,400.00
Maintenance of Hospital	4,200.00
Supt. and Assts., Insane Asylum	30,288.00

\$279,468.00

All the items under the head of military and band were referred to the Committee on Military and are as follows:

Captain and Adjutant \$ 1,200.00
Ordnance Sergeant 1,200.00
Chief Musician 720.00
Armorer 1,680.00
Servant 600.00
Janitor 1,080.00
Clerk 1,800.00
Clerk 1,800.00

\$ 10,080.00

Salary of Bandmaster \$ 5,640.00

Salaries of 30 Bandmen 29,160.00

Salaries of 2 Lady Vocalists 1,800.00

\$ 36,600.00

All the following items under the head of Auditing Department were passed as in the bill:

Salary of Auditor \$ 7,200.00
Salary of Deputy Auditor 4,800.00
Clerical Assistance 15,000.00

\$ 27,000.00

Under the head of current expenses, the offices of the Secretary of the Territory of Hawaii were referred to the Committee on Ways and Means, and are as follows:

Incidentals \$ 3,000.00
State Entertainments and Ceremonies 3,000.00
Preservation of Archives 3,000.00
Expenses of Election 15,000.00
Printing and Advertising 1,800.00
Compiling and Publishing Revised Laws 8,000.00

\$ 33,800.00

The following items in the Treasury Department were referred to the Committee on Ways and Means:

Incidentals, Treasurer's Office \$ 11,000.00
For Expenses of Shipping Hawaiian Silver Coin and Return of American Silver 20,000.00
For Discount on Mutilated or Abraded Coins 5,000.00
Interest on Bonded Debt, Commission and Exchange 500,000.00
Incidentals, Tax Office 11,500.00
Incidentals, Registrar of Conveyances 2,800.00

\$50,300.00

The Judiciary Department and the Department of the Attorney General were referred to the Committee on Judiciary and are as follows:

JUDICIARY DEPARTMENT.
Expenses of Supreme and Circuit Courts (to include pay of Grand Jurors at the same rate as trial jurors) \$ 36,000.00
Purchase of Law Books, Supreme Court 1,500.00
Purchase of Law Books, Circuit Courts other than First Circuit 600.00
Compiling, Printing and Binding Hawaiian Reports 3,000.00
Compiling and Publishing Digest, Hawaiian Reports 5,000.00
Stationery and Incidentals 2,000.00
Traveling Expenses, Substitute District Magistrates, First Circuit 200.00
Traveling Expenses, Judge and Clerks, Second Circuit 200.00
Traveling Expenses, Substitute District Magistrate, Second Circuit 200.00
Traveling Expenses, Judge and Clerks, Third Circuit 200.00
Traveling Expenses, Substitute District Magistrates, Third Circuit 200.00
Traveling Expenses, Judge and Clerks, Fourth Circuit 200.00
Traveling Expenses, District Magistrate, South Hilo, Fourth Circuit 400.00
Traveling Expenses, Substitute District Magistrates, Fourth Circuit 200.00
Traveling Expenses, Substitute District Magistrates, Fifth Circuit 200.00

\$ 50,400.00

DEPARTMENT OF THE ATTORNEY GENERAL.

Support and Maintenance of Prisoners \$ 90,000.00
Incidentals, Civil and Criminal Expenses 40,000.00
Coroners' Inquests 6,000.00
Expenses of Witnesses in Criminal Cases 7,000.00
Detective Service 6,500.00

\$ 149,500.00

The Department of Public Works was then taken up and on motion of Senator Carter a committee of five, composed of two members from Oahu and one each from the other Islands, was appointed by the President to take charge of the items as Senators White, Achi, Crabbe and Nakapahu.

Following items are the ones over which the committee will have their little squabbles:

DEPARTMENT OF PUBLIC WORKS.

Public Works—
Incidentals and Traveling Expenses 3,500.00
Traveling Expenses, Road Engineer accompanied with Surveyor 1,500.00
Repairs to Structure and Additions to Government Buildings 50,000.00
Landings and Buoy, Hawaii 8,000.00
Landings and Buoy, Maui 8,000.00
Landings and Buoy, Molokai 8,000.00
Landings and Buoy, Honolulu 8,000.00
Landings and Buoy, Kauai 2,000.00
Landings and Buoy, General 5,000.00
Lighting Expenses 8,000.00
Stream Turbines 20,000.00

\$ 120,000.00

On "Oily" Bill's motion an adjournment was taken at 11:10 until 2 p. m. Monday.

Dredging Honolulu Harbor	25,000.00
Expense Pilot Boats	2,000.00
Electric Light, Honolulu	24,000.00
Electric Lighting, Hilo streets	4,000.00
Lighting Streets Other than Honolulu and Hilo	1,500.00
Running Expenses, Laundries	11,000.00
Curbing and Paving Government Sidewalks	10,000.00
For Constructing Sidewalks (Chapter 23, Section 374, Civil Laws)	25,000.00
Fencing and Grading Government Lots	2,000.00
Printing and Advertising	5,000.00
Quarantine, Diseased Animals	2,000.00
Government Pounds	1,000.00
Department Incidentals	4,000.00
Bureau of Water Works—	
Running Expenses	8,000.00
Repairs to Reservoirs	8,000.00
General Repairs	12,000.00
Running Expenses, Pumping Plants	45,000.00
Running Expenses, Market	1,000.00
Hilo Water Works	1,000.00
Laupahoehoe Water Works	300.00
Koloa Water Works	200.00
Public Grounds, General	5,000.00
Honolulu Park Commission	12,000.00
Fire Departments—	
Honolulu Fire Department	30,000.00
Hilo Fire Department	2,400.00
Roads and Bridges, Hawaii—	
Curbing and Paving Government Sidewalks, Hilo	3,800.00
North Hilo	3,000.00
Hilo	25,000.00
Puna	12,000.00
Kau	4,000.00
South Kona	4,000.00
North Kona	4,000.00
South Kohala	3,000.00
North Kohala	4,000.00
Hanalei	4,000.00
Roads and Bridges, Maui—	
Lahaina	2,000.00
Wailuku	2,000.00
Makawao	2,000.00
Hana	2,000.00
Molokai	1,000.00
Roads and Bridges, Oahu—	
Honolulu	500,000.00
Ewa and Waianae	1,000.00
Wailuku	2,000.00
Koolauloa	2,000.00
Koolaupeke	5,000.00
Roads and Bridges, Kauai—	
Waimea	2,000.00
Koloa	2,000.00
Hanalei	4,000.00
Lihue	4,000.00
Kawailua	1,000.00
Roads and Bridges, General	10,000.00
Road Damages—	
Road Damages, all Islands	50,000.00
	\$1,047,000.00

Upon "Oily" Bill's motion an adjournment was taken at 11:10 until 2 p. m. Monday.

EMMELUTH OBJECTS TO HOUSE EXPENSES

The Lower House indulged in a cross-fire of repartee on Saturday, finally winding up the day's proceedings at the close of the morning session.

Dickey introduced a resolution changing the time of convention from 10 to 9 o'clock, and also making the pertinent suggestion that the House forthwith sit in to consider the Appropriation bill commencing with the Attorney General's Department.

A petition from the Nahiku Sugar Company asking for the return of \$385 spent by the company in perfecting the Nahiku landing after the appropriation had given out, was introduced by Hoogs and referred to the Committee on Public Lands. Emmeluth started a disturbance by asking Makalaini for a statement of the amount remaining to the House for appropriation expenses out of the appropriation for that purpose. The answer given was that a balance of \$5,000, the House having voted to date spent \$10,000 and the Senate \$14,000.

Emmeluth then suggested that unless the House wanted to be condemned in the eyes of the public forever, it was about time to call a halt. "I understand that extravagant prices have been paid for translations, proof-reading and printing. I am not in favor of steals of any kind, and hope to go on record as so opposed."

Hoogs thought that Emmeluth's remarks savored of the old parable of shutting the stable door after the horse had gone out, a remark which provoked a retort that "in this case it was closing the door to prevent the horse from returning to the crib."

"Mr. Emmeluth's remarks," said Robertson, "remind me of something else besides horse flesh. At the beginning of this session Representative Dickey brought in a resolution that all printing jobs be given to the lowest bidders, sealed tenders being called for. At that time the Honorable Mr. Emmeluth said that if the Republicans had been in power, they would have given the job to their friends, no matter what the cost. It seems to me that now that the Home Rulers have the upper hand, they intended to do exactly the same thing."

"I plead guilty," said Emmeluth, "but it's a case of deliver me from my friends."

Hoogs then entirely upset the equality of the Home Rulers by bringing in the following resolution:

I desire to call the attention of the Legislature to the fact that there is a question of the legality of the Hon. H. E. Cooper as Acting Governor.

Therefore be it resolved, That we, the members of this First Legislature of Hawaii return our salaries and mileage to the Treasurer forthwith.

Most respectfully,
W. H. HOOGS.

I concur
J. MONSARRAT.

Kumalae said that the time for play had passed and moved the rejection of the resolution. Emmeluth was willing to concur provided Mr. Hoogs be appointed collector, and Monsarrat said that it was a clear case of charity to the Government and should therefore be adopted.

Maheo was wrathful and wished to scatter the resolution to the four winds of heaven through the windows of the throne chamber.

Considerable feeling was aroused when Maheo proposed adjournment, which was carried through by the Speaker with promptitude.

A SPRAINED ANKLE QUICKLY CURED.

"At one time I suffered from a severe sprain of the ankle," says George E. Cary, editor of the Guide, Washington, Va. "After using several well recommended medicines without success, I tried Chamberlain's Pain Balm, and am pleased to say that relief came as soon as I began its use, and a complete cure speedily followed. This remedy has also been used in my family for frost bitten feet with the best results. I cheerfully recommend its use to all who may need a first-class liniment." Sold by all dealers and druggists. Benson Smith & Co., Ltd., general agents, H. T.

MAUI NEWS IS LIVELY

Wailuku Schools to Render "Gypsy Queen."

Maui, May 24.—The district teachers of Makawao held their regular monthly meeting in the Makawao school house on the afternoon of May 20. The order of exercises was of shorter duration than is usual owing to the non-appearance of two teachers appointed, to take part in the program.

Miss Osa of the Hailu school gave a lesson on primary geography and Mrs. Sabey of the Spreckelsville school conducted the discussion on James Russell Lowell's "The Vision of Sir Launfal."

Rev. Mr. Thwing of Honolulu was present and in a brief, informal way pointed out some differences between American and Chinese schools. Mr. Thwing has been a teacher in one of the schools of China for several years, using the Chinese language in his pedagogical work.

During the evening of June 6th the Wailuku Government school children, under the skillful direction of Miss Margaret Nape, will give the well-known cantata, "The Gypsy Queen," in the large hall of the school. This musical entertainment will undoubtedly prove one of the best given on Maui for several years past. Misses Nape and Hons and Mrs. Austin will take leading parts. The opera will exhibit many elaborate costumes, not to mention the music, solos and choruses, all of which are charming. The proceeds will be devoted to settling the balance due on the school piano purchased some time ago.

Pala plantation lost nothing by the burning of six acres of cane at Grove Ranch during the night of the 13th, for all of the burnt cane has since been ground into first-class sugar. The fire started at 11 p. m. It is surmised that some Porto Rican laborer while sleeping in the field accidentally dropped a lighted cigarette.

The spirit of spring—perhaps it is last has caused baseball to become suddenly popular on Maui. During the 19th, the Wailuke club played All Spreckelsville on the Kahului grounds and won the game by the score of 18 to 1.

During the same day in upper Makawao, the local nine defeated the Kokomo team; score 14 to 11.

During the afternoon of the 21st Mrs. F. F. Baldwin of Pala gave an afternoon tea in honor of her guest, Mrs. S. E. Damon of Honolulu.

On the 23d, Judge A. N. Kepoikai gave a luncheon at his fishery headquarters in Kahului.

On June 1 Manager W. J. Lowrie of Spreckelsville will take a three months' trip to the Coast. He will visit Lake Tahoe and New Orleans. Mrs. Lowrie and Miss Clara Lowrie will accompany him.

Rev. and Mrs. Thwing of Honolulu are at Puuomalele, Makawao.

Mr. and Mrs. Fred. Potter and Miss Paty of Honolulu are the guests of the H. A. Baldwins at Olinda House.

Next week Mr. and Mrs. W. S. Nicoll of Hamakua depart for a several months' visit to Scotland.

On the evening of May 31 the young men of Spreckelsville will give a dancing party.

A. P. Taylor and L. C. Pariah of Honolulu were the guests of Miss Crooks last Saturday and Sunday.

Uluapukia and upper Kula have had several inches of rain recently.

It is stated that E. H. Piepper will soon build a hotel at Pala. This will be No. 2 for Pala, as Antonio Fernandez, Jr., has been running a good public house for several years past.

Maui people generally would be most grateful to Jared Smith if he would teach the garden farmers of the island how to raise sufficient vegetables to supply the local market. At present there is a great scarcity of all kinds of green things. Cabbages of a moderate size are bringing fifty cents each in Wailuku.

Weather—Very warm, very dry and very dusty.

ITCHINESS OF THE SKIN.

Everybody has their hour of trouble. But people having any irritation of the skin. Have many hours of trouble. Nothing so annoying, nothing so irritating.

It is a hard and trying position. Leave it alone and you can hardly bear the misery.

Relief and cure have come at last. Melbourne has put it to the test. Doan's Ointment cures every form of skin irritation.

People at home are learning that this is so. Here is proof in a statement: Mr. William Preston has been a resident of Victoria for over half a century and therefore will be known to many of our readers. Mr. Preston is at present residing at No. 68 Argyle St., St. Kilda. He says: "For some considerable time I have been troubled with Eczema on my legs. The irritation at times was very great especially at night, and it caused me considerable annoyance. I obtained a pot of Doan's Ointment and I must say that it allayed the irritation almost immediately. Doan's Ointment is a good remedy and I can highly recommend it for Eczema."

Doan's Ointment is splendid in all diseases of the skin, eczema, piles, burns, insect bites, sores, chilblains, etc. It is perfectly safe and very effective.

Very frequently two or three boxes have made a complete cure of chronic cases that have not yielded to other remedies for years.

Doan's Ointment is sold by all chemists and storekeepers at 50 cents per box (six boxes \$2.50) or will be mailed on receipt of price by the Hollister Drug Co., Agents for use Hawaiian Islands.

Clearance Sale —OF— Ready-Mixed PAINTS

FOR Household Purposes

One Qt.	Regular Price.	Special Price.
1 (4) Sand Stone	\$1.00	.75
5 (4) Nile Green	.50	.35
2 (38) Flesh Tint	.60	.35
3 (37) Pure Lead	.60	.35
3 (32) Maroon	.60	.35
3 (32) Oxide Red	.60	.35
3 (12) Olive Green	.60	.35
10 (11) Venetian Yellow	.60	.35
11 (9) Pure Gray	.60	.35
6 (5) Sage Green	.60	.35
7 (OW) Pure White	.60	.35
3 Five Gallon Tins of Barn and Roof Paint and 7.5 per gallon.		

Also, Prepared Carriage Paints.

One Qt.	Regular Price.	Special Price.
1 Lemon Yellow	1.00	.50
1 Wine	1.00	.50
1 Vermillion	1.00	.50
1 Coach Green	1.00	.50

One Pt.	Regular Price.	Special Price.
4 Wine	.50	.25
3 Coach Green	.50	.25
7 Vermillion	.50	.25
4 Lemon Yellow	.50	.25

Also, Aspinall's Genuine English Enamel for Furniture, Etc.

	Regular Price.	Special Price.
Sky Blue	\$.50	\$.25
Pale Blue50	.25
French Gray50	.25
Flamingo50	.25
Stone50	.25
Turquoise50	.25

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